

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3275

By Delegates Akers, Leavitt, Flanigan, Funkhouser,
and Kelly

[Introduced March 10, 2025; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §58-5-4 of the Code of West Virginia, 1931, as amended, relating to
2 time for appeal; providing that the time for filing a notice of appeal, perfecting an appeal,
3 and filing related documents with the Intermediate Court of Appeals and Supreme Court of
4 Appeals shall be in accordance with rules promulgated by the Supreme Court of Appeals.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 5. APPELLATE RELIEF IN THE INTERMEDIATE COURT OF APPEALS AND
THE SUPREME COURT OF APPEALS.**

§58-5-4. Time for appeal.

1 ~~No petition shall be presented for an appeal from any judgment rendered more than four~~
2 ~~months before such petition is filed with the clerk of the court where the judgment being appealed~~
3 ~~was entered: *Provided*, That the judge of the circuit court may, prior to the expiration of such period~~
4 ~~of four months, by order entered of record extend and reextend such period for such additional~~
5 ~~period or periods, not to exceed a total extension of two months, for good cause shown, if the~~
6 ~~request for preparation of the transcript was made by the party seeking such appellate review~~
7 ~~within thirty days of the entry of such judgment, decree or order.~~

8 The time for filing a notice of appeal, perfecting an appeal, and filing related documents
9 with the Intermediate Court of Appeals and the Supreme Court of Appeals shall be in accordance
10 with rules promulgated by the Supreme Court of Appeals.

NOTE: The purpose of this bill is to update the statute governing timing for appeals, as appeals are no longer initiated by the filing of a "petition".

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.