

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965



ENROLLED

HOUSE BILL No. 506

(By Mr. Speaker, Mr. White)



PASSED February 27, 1965

In Effect ninety days from Passage



FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-5-65

#506

ENROLLED

House Bill No. 506

(By MR. SPEAKER, MR. WHITE)

[Passed February 27, 1965; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article four, and section four, article five, chapter fifty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the time for presenting a petition for an appeal from, or writ of error or supersedeas to, a judgment, decree or order of a court of record of limited jurisdiction or of a circuit court; and requiring a notice of intent to file a petition for appeal or writ of error in criminal cases to be filed with the clerk of the court in which the judgment or order was entered within sixty days after the entry of such judgment or order.

Be it enacted by the Legislature of West Virginia:

That section four, article four, and section four, article five,

chapter fifty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and re-enacted to read as follows:

Article 4. Appeals from Courts of Record of Limited Jurisdiction.

Section 4. Time for Appeal or Writ of Error; Notice of

2 Intent to File Petition for Appeal in Criminal Cases,

3 Statement of Grounds and Service Thereof.—No petition

4 shall be presented to the circuit court or judge for an

5 appeal from, or writ of error or supersedeas to, any judg-

6 ment, decree or order rendered or made by such court

7 of limited jurisdiction, whether the state be a party

8 thereto or not, which shall have been rendered or made

9 more than four months before such petition is presented.

10 In criminal cases no petition for appeal or writ of error

11 shall be presented unless a notice of intent to file such

12 petition shall have been filed with the clerk of the court

13 in which the judgment was entered within sixty days af-

14 ter such judgment was entered. The notice shall fairly

15 state the grounds for the petition without restricting the

16 right to assign additional grounds in the petition.

Article 5. Appellate Relief in Supreme Court of Appeals.**Section 4. Time for Appeal or Writ of Error; Notice of**

2 Intent to File Petition for Appeal in Criminal Cases, State-
3 ment of Grounds and Service Thereof.—No petition shall
4 be presented for an appeal from, or writ of error or
5 supersedeas to, any judgment, decree or order, whether
6 the state be a party thereto or not, which shall have been
7 rendered or made more than eight months before such
8 petition is presented.

9 In criminal cases no petition for appeal or writ of error
10 shall be presented unless a notice of intent to file such
11 petition shall have been filed with the clerk of the court
12 in which the judgment or order was entered within sixty
13 days after such judgment or order was entered. The notice
14 shall fairly state the grounds for the petition without re-
15 stricting the right to assign additional grounds in the peti-
16 tion.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Roy Parker
Chairman Senate Committee

James W. Hoop
Chairman House Committee

Originated in the House.

Takes effect ~~from passage.~~ *ninety days from passage.*

J. Howard Meese
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard Hanson
President of the Senate

H. Laban White
Speaker House of Delegates

The within *approved* this the *5*
day of *March*, 1965.

Aluca C. Smith
Governor



Presented to the Governor's Office

Mar. 3, 1965

9:50 a.m.