

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1965

ENROLLED

SENATE BILL NO. 83

(By Mr. Morland and Mr. Carrigan)

PASSED February 12 1965

In Effect from Passage



FILED IN THE OFFICE OF  
JOE F. BURDETT  
SECRETARY OF STATE  
THIS DATE 2-17-65

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**Senate Bill No. 83**

(By MR. MORELAND AND MR. CARRIGAN)

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[Passed February 12, 1965; in effect from passage.]

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AN ACT to amend and reenact section seventeen, article five chapter fifty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to printing or reproduction of records in cases in which an appeal, writ of error or supersedeas is allowed by the supreme court of appeals.

*Be it enacted by the Legislature of West Virginia:*

That section seventeen, article five, chapter fifty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**Section 17. Court to Prescribe Method and Form of**  
**2 Reproducing Record; Reproduction of Record by Clerk;**

3 **Distribution; Costs; Felony Cases.**—The supreme court  
4 of appeals shall by order prescribe the method and form  
5 of reproducing records. Such order shall prescribe the  
6 number of copies to be reproduced, the contents thereof,  
7 the type size and quality of paper and the maximum rate  
8 per page that may be charged for the printing or repro-  
9 duction of such records.

10 The cost of printing or reproduction, photostating and blue-  
11 printing, if any, shall be included at the end of the record  
12 with the date the same was printed or otherwise reproduced.

13 The clerk shall have the record printed or reproduced  
14 when the party obtaining the appeal, writ of error or su-  
15 persedeas shall deposit with him a sufficient sum to pay for  
16 same. The clerk shall deliver one copy of such record to the  
17 judge and clerk of the trial court, two copies to counsel on  
18 each side, and retain the remaining copies in his office. He  
19 shall cause all copies of the record remaining in his  
20 office to be compared with the typewritten transcript  
21 certified to the supreme court of appeals and correct all  
22 errors that may appear therein. The cost of such print-  
23 ing or reproduction, unless otherwise ordered by the

24 court, shall be taxed against the unsuccessful party, if  
25 the judgment, decree or order appealed from be reversed.  
26 And should the appellant or plaintiff in error fail for three  
27 months after his case has been docketed in the court of  
28 appeals to deposit with the clerk of the said court, the  
29 sum estimated by said clerk, to pay for the printing or  
30 other reproduction of the record, he shall be deemed to  
31 have abandoned his appeal or writ of error and the same  
32 shall be dismissed; but it may be renewed at any time  
33 within eight months from the date of the judgment, order  
34 or decree appealed from, according to the provisions of  
35 section four of this article. In every felony case, the  
36 clerk shall have the usual number of records printed or  
37 otherwise reproduced at a cost not exceeding the amount  
38 fixed by the court, and dispose of the same as in other  
39 cases; and upon the certificate of the president of the  
40 supreme court of appeals stating that such record has  
41 been printed or otherwise reproduced as required by the  
42 court, and the amount said clerk is entitled to, the cost  
43 of printing or reproducing the same shall be paid to said  
44 clerk out of the treasury of the state, and the auditor

45 shall draw his warrant on the treasury for the payment  
46 thereof out of the fund for criminal charges.

47 Any increased rate for printing or reproducing records  
48 as may be prescribed by order of the court shall apply  
49 to all cases docketed in the supreme court of appeals on  
50 the effective date of the order of the court, pending  
51 reproduction of the record. Such latter cases, however,  
52 shall not be subject to dismissal because of any increased  
53 rate, where statement for estimated costs has been ren-  
54 dered and paid as provided in this section, but they shall  
55 not be placed upon the argument docket until the in-  
56 creased cost thereof shall have been paid in full.

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

*O. Roy Parker*  
Chairman Senate Committee

*James W. Loop*  
Chairman House Committee

Originated in the Senate.

Takes effect *from* \_\_\_\_\_ Passage.

*Stowand Thyer*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard Tolson*  
President of the Senate

*H. Haban White*  
Speaker House of Delegates

The within *approved* this the *17*  
day of *February*, 1965.

*Stewart C. Smith*  
Governor



Presented to the Governor's Office  
Feb. 17, 1965  
11:19 a.m.