

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969



ENROLLED

HOUSE BILL No. 755

(By Mr. Shifflet)



PASSED March 8, 1969

In Effect Ninety days from Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-17-69

#755

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House Bill No. 755

(By MR. SHIFLET)

[Passed March 8, 1969; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article seven, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to official court reporters, transcripts and fees therefor, the authentication thereof and the furnishing of transcripts in criminal cases; and specifying the size of transcript pages, the margins of such pages and the number of lines thereon.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 7. OFFICIAL REPORTERS.

§51-7-4. Transcript of notes; fees; authenticity; transcript for judge in criminal cases.

1 The reporter shall furnish, upon request, to any party
2 to a case, a typewritten transcript of his shorthand notes
3 of the testimony or other proceedings, which shall be
4 upon paper measuring eight and one half inches in
5 width and eleven inches in length, with margins of one
6 half inch on the right side and bottom, one inch at the
7 top and one and one half inches on the left, with twenty-
8 four lines on each page, and shall certify the same as
9 being correct, and shall be paid therefor, by the party
10 requesting such transcript, at the rate of ninety cents
11 for each page so transcribed and certified; and for each
12 carbon copy of such transcript, ordered at the same time,
13 he shall be paid thirty cents for each page so furnished.

14 A transcript of such testimony or proceedings, when
15 certified by the official reporter and by the judge of the
16 court, shall be authentic for all purposes, and shall be
17 used by the parties to the cause in any further pro-
18 ceeding therein wherein the use of the same may be
19 required. It may be used, without further authentication,

20 in making up the record on appeal, as provided in sec-
21 tions thirty-six and thirty-seven, article six, chapter
22 fifty-six of this code; and in all cases of appeal such re-
23 porter shall also make a carbon copy of such transcript,
24 which copy shall be filed in the office of the clerk of the
25 court in which the trial or proceedings were had, to be
26 used, if necessary, in making up the record on appeal,
27 and, if so used, the clerk shall not be entitled to any
28 fee for that part of the record. If, upon appeal or writ
29 of error, the judgment, decree or order entered in the
30 cause be reversed, the cost of such transcript shall be
31 taxed as other costs; and if such transcript be requested
32 or required for the purpose of demurring to the evidence,
33 the cost thereof shall be taxed in favor of the party
34 prevailing on the demurrer.

35 It shall also be the duty of such reporter in any criminal
36 case, upon the request of the court or the judge thereof,
37 and for his use, to furnish a transcript of his notes of the
38 testimony and proceedings without extra charge.

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

William Tompkins
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Saunders Keyser
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Lucy G. Jackson
President of the Senate

Sam F. Davis
Speaker House of Delegates

The within approved this the 17th
day of March, 1969.

Arch. A. Shaver Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/12/69

Time 2:45 p.m.