

MAR 28 11 21 AM '72

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972



ENROLLED

HOUSE BILL No. 1149

(By Mr. Myles)



PASSED March 9 1972

In Effect from Passage



FILED IN THE OFFICE
JOHN D. ROSSFELDER, II
SECRETARY OF STATE
THIS DATE 3-28-72

1149

ENROLLED
House Bill No. 1149
(By MR. MYLES)

[Passed March 9, 1972; in effect from passage.]

AN ACT to amend and reenact sections four and fourteen, article four, chapter fifty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to appeals from, or writs of error or supersedeas to, any judgment, decree or order rendered or made by a court of record of limited jurisdiction; requiring a notice of intent in criminal cases to be filed within sixty days after judgment is entered by a court of record of limited jurisdiction; relating to contents of notice of intent; relating to process upon any such appeal, writ of error or supersedeas; and relating to time for presentation of record and the giving of bond in any such case.

Be it enacted by the Legislature of West Virginia:

That sections four and fourteen, article four, 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:

ARTICLE 4. APPEALS FROM COURTS OF RECORD OF LIMITED JURISDICTION.

§58-4-4. Time for appeal or writ of error; notice of intent to file petition in criminal cases to be filed with clerk stating grounds.

- 1 No petition shall be presented to the circuit court or
- 2 judge for an appeal from, or writ of error or supersedeas
- 3 to, any judgment, decree or order rendered or made by
- 4 such court of limited jurisdiction, whether the state be a

5 party thereto or not, which shall have been rendered or
6 made more than four months before such petition is
7 presented: *Provided*, That for good cause shown the
8 judge of such court of limited jurisdiction may, prior
9 to the expiration of such period of four months, by order
10 entered of record extend such period for an additional
11 period not to exceed one month.

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

§58-4-14. Time for presenting record and giving bond.

1 No process shall issue upon any appeal, writ of error
2 or supersedeas allowed by a circuit court or judge to or
3 from a judgment, decree or order, if, when the record is
4 delivered to the clerk of the circuit court, four months
5 (or the extended period, if any, allowed by order pur-
6 suant to section four of this article) shall have elapsed
7 since the date of such judgment, decree or order; but the
8 appeal, writ of error or supersedeas shall be dismissed
9 whenever it appears that four months or the extended
10 period, if any, as the case may be, have elapsed since
11 such date before the record is delivered to such clerk,
12 or that two months have elapsed since the date when the
13 appeal, writ of error or supersedeas was granted before
14 such bond is given as is required to be given before the
15 appeal, writ of error or supersedeas takes effect.

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

Russell G. Beall
Chairman Senate Committee

Phyllis J. Lutledge
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

E. Hans McCourt
President of the Senate

Lewis J. McPherson
Speaker House of Delegates

The within approved this the 27th
day of March, 1972.

Hubert H. Roop, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/16/72

Time 2:10 p.m.