

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978



ENROLLED

Committee Substitute for

SENATE BILL NO. 198

(By Mr. *Jones & Mr. Palumbo*)



PASSED *March 6,* 1978

In Effect *thirty days from* Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 198

(MR. JONES and MR. PALUMBO, *original sponsors*)

[Passed March 6, 1978; in effect ninety days from passage.]

AN ACT to amend article two, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fourteen; to amend and reenact article three, section ten of said chapter; and to further amend said article by adding thereto a new section, designated section thirteen, all relating to courts; allowing a circuit court to be held in two or more counties at the same time; allowing courts of record to adjourn or fail to sit for up to thirty consecutive days; and permitting courts in vacation to perform same acts and conduct proceeding as they could do in term.

Be it enacted by the Legislature of West Virginia:

That article two, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fourteen; that article three, section ten of said chapter, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section thirteen, all to read as follows:

ARTICLE 2. CIRCUIT COURTS AND CIRCUIT JUDGES.

§51-2-14. Holding court in two or more counties in circuit at same time.

1 Notwithstanding any provision in this code to the con-
2 trary, terms of circuit court may be held in two or more
3 counties in the same circuit at the same time and a term

4 of court in one county of a circuit need not be adjourned
5 sine die or otherwise terminated as a condition of or
6 prior to the commencement of a term of court in another
7 county of the same circuit.

ARTICLE 3. COURTS IN GENERAL.

§51-3-10. Opening after day fixed.

1 Though court be not held on the first day of a term,
2 it may nevertheless be opened on any subsequent day;
3 provided, in the case of any court of record for any county,
4 the same be done before four o'clock in the afternoon of
5 the third day. If, after a court is opened, it fails to sit
6 on any day, it may nevertheless sit on any subsequent
7 day of the term: *Provided*, That in the case of any court
8 of record for any county, there be not more than thirty
9 consecutive days of such failure.

**§51-3-13. Power of judges of circuit courts to act during
vacation of court.**

1 The limitations upon the powers of circuit court judges
2 to act in or during the vacation of the court as heretofore
3 existed, either at common law or as may exist elsewhere
4 in this code, to the contrary notwithstanding, a judge of
5 a circuit court may do any act or take any proceeding in
6 any action or proceeding, whether civil, criminal or other-
7 wise, which is instituted or pending before the court
8 during the vacation of such court to the same extent as
9 such judge could act during the term of such court.

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

James L. Davis
Chairman Senate Committee

James C. Sturtevant
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. C. Hillen Jr.
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. S. [Signature]
President of the Senate

Donald L. Kopp
Speaker House of Delegates

The within is approved this the 24
day of March, 1978.

John D. Rhyne
Governor



APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED

MAR 10 9 59 AM '78

OFFICE OF THE GOVERNOR

Date March 24, 1978

Time 9:00 A.M.

RECEIVED

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OFFICE
SECY. OF STATE