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CECILE L. BARKER
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

ENROLLED

Senate Bill No. 238

(BY SENATOR KESSLER)

[Passed March 6, 2008; in effect ninety days from passage.]

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AN ACT to amend and reenact §50-4-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-2-2 of said code, all relating to increasing the monetary jurisdictional requirement for circuit courts; increasing the monetary jurisdictional amount for removal of a civil suit from magistrate court to circuit court; increasing the monetary jurisdictional amount to file a civil suit in circuit court; and clarifying original and general jurisdiction of circuit courts.

Be it enacted by the Legislature of West Virginia:

That §50-4-8 of the Code of West Virginia, 1931, as amended,

be amended and reenacted; and that §51-2-2 of said code be amended and reenacted, all to read as follows:

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 4. PROCEDURE BEFORE TRIAL.

§50-4-8. Removal to circuit court.

1 At any time before trial in a civil action involving less
2 than two thousand five hundred dollars the action may
3 be removed to circuit court upon the concurrence of all
4 parties and upon the payment of the circuit court filing
5 fee. At any time before trial in a civil action involving
6 two thousand five hundred dollars or more, any party
7 may, upon payment of the circuit court filing fee, cause
8 such action to be removed to the circuit court. All
9 appropriate documents shall then be forwarded along
10 with such fee to the clerk of the circuit court. The
11 matter shall then be heard by the circuit court.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.

§51-2-2. Jurisdiction.

1 (a) The circuit court shall have supervision and
2 control of all proceedings before magistrates, by
3 mandamus, prohibition and certiorari.

4 (b) Except in cases confined exclusively by the
5 constitution to some other tribunal, the circuit court
6 shall have original and general jurisdiction of all
7 matters at law where the amount in controversy,
8 excluding interest, exceeds two thousand five hundred

9 dollars: *Provided*, That the jurisdictional limit on
10 amounts in controversy does not apply to real estate
11 installment sales contracts.

12 (c) The circuit court shall have original and general
13 jurisdiction in all of the following matters:

14 (1) Habeas corpus;

15 (2) Mandamus;

16 (3) Quo warranto;

17 (4) Prohibition;

18 (5) Crimes; and

19 (6) Misdemeanors.

20 (d) The circuit court shall have original and general
21 jurisdiction in all cases in equity, including jurisdiction
22 in equity to remove any cloud on the title to real
23 property, or any part of a cloud, or any estate, right or
24 interest in the real property, and to determine questions
25 of title with respect to the real property without
26 requiring allegations or proof of actual possession of the
27 real property.

28 (e) The circuit court shall have appellate jurisdiction
29 in all cases, civil and criminal, where an appeal, writ of
30 error or supersedeas may be allowed to the judgment or
31 proceedings of any inferior tribunal.

32 (f) The circuit court shall also have any other
33 jurisdiction, whether supervisory, original, appellate or
concurrent, as is or may be prescribed by law.

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

Candy White
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Parvett Holmes
.....
Clerk of the Senate

Severy to Son
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this
the *20th* Day of *March* 2008.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 17 2008

Time 11:05am