

HB 4893 veto

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4893

BY DELEGATES STEPHENS AND FLANIGAN

[Passed March 14, 2026; in effect 90 days from
passage (June 12, 2026)]

OFFICE OF THE CLERK
WEST VIRGINIA
SECRETARY OF STATE

2026 APR -1 P 11:22

FILED

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1 AN ACT to amend and reenact §50-5-11 and §61-5-26 of the Code of West Virginia, 1931, as
2 amended, relating to increasing the penalties and fines for a first, second, or third or
3 subsequent finding contempt of court pertaining to the same matter in magistrate court;
4 providing that a person adjudged guilty of a third or subsequent offense of contempt may,
5 in the discretion of the magistrate, as an alternative to the sentence provided in the code,
6 be sentenced in a manner consistent with §62-11A-1a of this code; and raising the amount
7 a court can fine for contempt of court without a jury trial.

Be it enacted by the Legislature of West Virginia:

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 5. TRIALS, HEARINGS AND APPEALS.

§50-5-11. Contempt.

1 A magistrate may punish for contempt of court a person guilty of any of the
2 following acts:

3 (a) Contemptuous or insolent behavior toward such magistrate while engaged in
4 the trial of a case or in any other judicial proceeding;

5 (b) Any breach of the peace, willful disturbance, or indecent conduct in the
6 presence of such magistrate while so engaged, or so near as to obstruct or interrupt the
7 proceedings;

8 (c) Violence or threats of violence to such magistrate, or any officer, juror, witness,
9 or party going to, attending, or returning from, any judicial proceeding before the court
10 with respect to anything done or to be done in the course of such proceeding;

11 (d) Flagrant misbehavior of any officer of the county acting in his or her official
12 capacity with respect to any action or judicial proceeding had or pending before the court,
13 or any process, judgment, order or notice therein; or

14 (e) Willful resistance by an officer of the court, juror, witness, party or other person
15 to any lawful process or order of the court.

16 A magistrate may, if necessary, issue a warrant of arrest for such person, who shall
17 be given an opportunity to be heard. In the event such person is adjudged guilty of
18 contempt, the person may be fined not more than \$200 and ordered to complete
19 community service for the first offense. For a second offense pertaining to the same
20 matter the person may be fined not more than \$500 and ordered to complete community
21 service. For the third or any subsequent offense pertaining to the same matter the person
22 may be fined not more than \$1,000, or confined in the jail not more than ten days, or both
23 fined and imprisoned. A person adjudged guilty of a third or subsequent offense of
24 contempt may, in the discretion of the magistrate, as an alternative to the sentence
25 imposed by this section, be sentenced pursuant to §62-11A-1a of this code.

26 An appeal to the circuit court of such conviction shall lie as in criminal cases.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 5. CONTEMPT OF COURT; WHAT CONSITUTES CONTEMPT; JURY TRIAL; PRESENCE OF DEFENDENT.

§61-5-26. Contempt of court; what constitutes contempt; jury trial; presence of defendant.

1 (a) The courts and the judges of the courts may issue attachment for contempt and
2 punish them summarily only in the following cases:

3 (1) Misbehavior in the presence of the court, or so near thereto as to obstruct or
4 interrupt the administration of justice;

5 (2) Violence or threats of violence to a judge or officer of the court, or to a juror,
6 witness, or party going to, attending or returning from the court, for or in respect of any
7 act or proceeding had, or to be had, in such court;

8 (3) Misbehavior of an officer of the court, in his or her official character; or

9 (4) Disobediance to or resistance of any officer of the court, juror, witness, or other
10 person, to any lawful process, judgment, decree or order of the said court.

11 (b) No court shall, without a jury, for any such contempt as is mentioned in
12 subdivision (a) of this section, impose a fine exceeding \$1,000, or imprison more than 10
13 days. But in any such case the court may impanel a jury (without an indictment or any
14 formal pleading) to ascertain the fine or imprisonment proper to be inflicted, and may give
15 judgment according to the verdict. A court shall not impose a fine for contempt, unless
16 the defendant be present in court, or the defendant has been served with a rule of the
17 court to show cause, on some certain day, and failed to appear and show cause.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.



Clerk of the House of Delegates



Clerk of the Senate

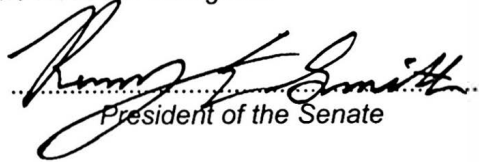
Originated in the House of Delegates.

In effect 90 days from passage.

FILED
2023 APR -1 P 11:22
CLERK OF THE SENATE



Speaker of the House of Delegates



President of the Senate

The within is disapproved this the 1st
Day of April, 2026.



Governor