

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2805

By Delegates Stephens, T. Clark, Pritt, Moore,
Dittman, Hornby, Mallow, Barnhart, Sheedy, Willis,
and Maynor

[Introduced February 21, 2025; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §50-5-11 of the Code of West Virginia, 1931, as amended, relating to
2 increasing the penalties for contempt of court in magistrate court.

Be it enacted by the Legislature of West Virginia:

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 following acts:

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

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

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

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

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

14 A magistrate may, if necessary, issue a warrant of arrest for such person, who shall be
15 given an opportunity to be heard. In the event such person is adjudged guilty of contempt, the
16 person may be fined not more than ~~\$50~~ \$100 and ordered to complete community service for the
17 first offense. For a second offense pertaining to the same matter the person may be fined not more
18 than ~~\$100~~ \$250 and ordered to complete community service. For the third or any subsequent
19 offense pertaining to the same matter the person may be fined not more than ~~\$100~~ \$500, or
20 imprisoned in the county jail not more than ~~ten~~ 20 days, or both fined and imprisoned.

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

NOTE: The purpose of this bill is to increase the penalties for contempt of court in magistrate court.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.