

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 3464**

By Delegates Ridenour, Martin, and Butler

[Introduced March 17, 2025; referred to the  
Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §51-12-1, §51-12-2, §51-12-3, §51-12-4, §51-12-5, §51-12-6, §51-12-7, §51-12-8, §51-12-9, and §51-12-10, relating to establishing civil liability for judicial misconduct, establishing that judicial immunity shall not apply when the conduct constitutes willful misconduct; establishing remedies and damages; creating limitations and safeguards; creating oversight and reporting; setting a five year statute of limitations; and providing an effective date.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 12. JUDICIAL ACCOUNTABILITY AND CIVIL LIABILITY ACT.**

**§51-12-1. Purpose and short title.**

This article shall be known as the "Judicial Accountability and Civil Liability Act". Its purpose is to establish civil liability for judges who knowingly violate the law, conduct unlawful hearings, or abuse litigants in the performance of their duties.

**§51-12-2. Legislative findings.**

The Legislature finds that judges hold a vital role in society, and to maintain public trust, it is essential to have robust safeguards in place to hold judges accountable for any misconduct. The lack of recourse and accountability for misconduct has severely damaged the public's trust in the judicial process. Judicial immunity often leaves significant misconduct unaddressed, denying victims meaningful recourse. When irreversible harm occurs—such as excessive imprisonment, abuse of power, or life-altering orders—appeals may be inadequate, leaving damages as the only remedy.

**§51-12-3. Scope.**

This Act applies to all judges presiding in courts within the State of West Virginia.

**§51-12-4. Definitions.**

(a) "Judge" refers to any individual appointed or elected to preside over a court of law.

(b) "Knowingly" means having actual knowledge of the relevant facts and law, or acting

with willful disregard for the same.

(c) "Unlawful hearing" refers to any court proceeding conducted without proper jurisdiction, legal authority, or in violation of statutory or constitutional rights.

(d) "Abuse of litigants" includes, but is not limited to:

(1) Intentionally disregarding litigants' legal rights;

(2) Demonstrating bias or prejudice;

(3) Engaging in conduct that undermines the integrity of the judicial process.

**§51-12-5. Civil liability for judicial misconduct.**

(a) A judge shall be held civilly liable if it is proven by clear and convincing evidence that the judge knowingly:

(1) Failed to comply with applicable statutes, rules, or legal precedent;

(2) Conducted an unlawful hearing;

(3) Engaged in abuse of litigants;

(4) Violated a person's civil or constitutional rights;

(5) Otherwise violated the West Virginia Code.

(b) Immunity traditionally granted to judges for actions taken in their judicial capacity shall not apply when the conduct in question constitutes willful misconduct as outlined in this Act.

**§51-12-6. Remedies and damages.**

(a) Any person harmed by a judge's misconduct as described in §51-12-5 of this code may bring a civil action against the judge in a court of competent jurisdiction.

(b) Remedies may include:

(1) Compensatory damages for financial, emotional, or other harm suffered;

(2) Punitive damages if the judge's conduct was particularly egregious;

(3) Injunctive relief to prevent further harm.

(c) A prevailing plaintiff shall be entitled to reasonable attorney's fees and costs.

**§51-12-7. Limitations and safeguards.**

1 (a) This Act does not authorize civil actions for decisions made in good faith within the  
2 scope of the judge's lawful authority.

3 (b) To initiate a claim, the plaintiff must first file a complaint with the appropriate judicial  
4 oversight body and receive a determination of willful misconduct.

**§51-12-8. Oversight and reporting.**

1 (a) The judicial oversight body shall establish a transparent process for investigating  
2 claims of judicial misconduct and shall publish an annual report summarizing its findings and  
3 actions.

4 (b) All filings made to the Judicial Investigation Commission, including any response from a  
5 judge, shall be made available to the public.

6 (c) Judges found to have engaged in willful misconduct may also face disciplinary actions,  
7 including suspension or removal, as determined by the oversight body. The judicial oversight body  
8 shall submit all findings to the House Judiciary Committee within five days.

**§51-12-9. Statute of limitations.**

1 Civil actions under this Act must be commenced within five years of the date on which the  
2 Judicial Investigation Commission concluded misconduct occurred.

**§51-12-10. Effective date.**

1 This Act shall take effect on July 1, 2025 and shall apply to judicial conduct occurring on or  
2 after this date.

NOTE: The purpose of this bill is to create the "Judicial Accountability and Civil Liability Act."

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