

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4364

BY DELEGATES D. SMITH, HILLENBRAND, RIDENOUR,

SHEEDY, AND WATT

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

1 AN ACT to amend and reenact §1-1-4 and §49-4-701 of the Code of West Virginia, 1931, as
2 amended; and to amend the code by adding a new section, designated §1-1-6, relating to
3 concurrent jurisdiction over land acquired by the United States for military purposes;
4 clarifying execution of process on land acquired by the United States; providing for
5 process for establishment of concurrent jurisdiction over land acquired by the United
6 States for military purposes; authorizing cooperation agreements between state, local, and
7 federal agencies; and providing for concurrent jurisdiction of circuit courts with U.S. District
8 Courts in the state over certain juvenile delinquency and status offenses.

Be it enacted by the Legislature of West Virginia:

CHAPTER 1. THE STATE AND ITS SUBDIVISIONS.

ARTICLE 1. LIMITS AND JURISDICTION.

§1-1-4. Execution of process and other jurisdiction as to land acquired by United States.

1 The State of West Virginia reserves the right to execute process, whether juvenile, civil,
2 or criminal, within the limits of any lot or parcel of land heretofore or hereafter acquired by the
3 United States as aforesaid, and such other jurisdiction and authority over the same as is not
4 inconsistent with the jurisdiction ceded to the United States by virtue of such acquisition.

§1-1-6. Concurrent jurisdiction in and over lands acquired by United States for military purposes.

1 (a) *Consent of State.* — The consent of this state is hereby given to the establishment of
2 concurrent jurisdiction with the United States in and over any land acquired, or to be acquired, in
3 this state by the United States for military purposes. Land acquired by the United States for military
4 purposes includes, but is not limited to, land in this state that is acquired by the United States for
5 use by the United States Armed Forces, the West Virginia National Guard, or any other federal
6 department or agency for military purposes.

7 (b) *Administrative Authority Delegated.* — The Governor shall accept a request by the
8 United States to establish concurrent jurisdiction over any land within the boundaries of this state
9 acquired by the United States for military purposes, which acceptance shall be effective when
10 each of the following have occurred:

11 (1) *Request.* — To request concurrent jurisdiction under this section, the principal officer
12 of a military installation in the state or any other authorized representative of the United States
13 having supervision and control over the land for which concurrent jurisdiction is sought shall send
14 a written request for concurrent jurisdiction to the Governor. The request shall:

15 (A) Clearly state the subject matter for the concurrent jurisdiction request, specifically
16 identifying whether it includes juvenile delinquency and status offenses committed on the land for
17 which concurrent jurisdiction is sought;

18 (B) Provide a metes and bounds description of the boundary of the concurrent jurisdiction
19 request; and

20 (C) Indicate whether the request includes future contiguous expansions of land acquired
21 for military purposes.

22 (2) *Acceptance.* — The Governor shall send a written acceptance of the request for
23 concurrent jurisdiction to the party who sent the request. The written acceptance shall confirm
24 each of the elements of the request that are accepted.

25 (3) *Filing.* — Upon accepting a request for concurrence jurisdiction, the Governor shall
26 cause the following to be recorded and indexed with the Secretary of State:

27 (A) The written request for concurrent jurisdiction;

28 (B) The written acceptance; and

29 (C) The metes and bounds description of the land subject to concurrent jurisdiction.

30 Upon filing, the Governor shall cause a certified copy of the recorded documents to be
31 sent to the party who sent the request for concurrent jurisdiction.

32 (c) *Local Agreements Authorized.* — Upon the establishment of concurrent jurisdiction, any

33 state or local agency may enter into a reciprocal agreement or memorandum of understanding
34 with any agency of the United States for coordination and designation of responsibilities related
35 to the concurrent jurisdiction.

CHAPTER 49. CHILD WELFARE.

ARTICLE 4. COURT ACTIONS.

PART VII. JUVENILE PROCEEDINGS

**§49-4-701. Juvenile jurisdiction of circuit courts, magistrate courts, and municipal courts;
Constitutional guarantees; requirements; hearings; right to counsel; opportunity to
be heard; evidence and transcripts; concurrent jurisdiction with federal courts.**

1 (a) The circuit court has original jurisdiction of proceedings brought under this article. A
2 person under the age of 18 years who appears before the circuit court in proceedings under this
3 article is a ward of the court and protected accordingly.

4 (b) If during a criminal proceeding in any court it is ascertained or appears that the
5 defendant is under the age of 19 years and was under the age of 18 years at the time of the
6 alleged offense, the matter shall be immediately certified to the juvenile jurisdiction of the circuit
7 court. The circuit court shall assume jurisdiction of the case in the same manner as cases which
8 are originally instituted in the circuit court by petition.

9 (c) Notwithstanding any other provision of this article, magistrate courts have concurrent
10 juvenile jurisdiction with the circuit court for a violation of a traffic law of West Virginia, for a
11 violation of §60-6-9, §16-9A-3 or, §16-9A-3-4, or §11-16-19 of this code, or for any violation of
12 Chapter 20 of this code. Juveniles are liable for punishment for violations of these laws in the
13 same manner as adults except that magistrate courts have no jurisdiction to impose a sentence
14 of incarceration for the violation of these laws.

15 (d) Notwithstanding any other provision of this article, municipal courts have concurrent
16 juvenile jurisdiction with the circuit court for a violation of any municipal ordinance regulating

17 traffic, for any municipal curfew ordinance which is enforceable or for any municipal ordinance
18 regulating or prohibiting public intoxication, drinking or possessing alcoholic liquor or
19 nonintoxicating beer in public places, any other act prohibited by §60-6-9 or §11-16-19 of this
20 code or underage possession or use of tobacco or tobacco products, as provided in §16-9A-1 *et*
21 *seq.* of this code. Municipal courts may impose the same punishment for these violations as a
22 circuit court exercising its juvenile jurisdiction could properly impose, except that municipal courts
23 have no jurisdiction to impose a sentence of incarceration for the violation of these laws.

24 (e) A juvenile may be brought before the circuit court for proceedings under this article
25 only by the following means:

26 (1) By a juvenile petition requesting that the juvenile be adjudicated as a status offender
27 or a juvenile delinquent; or

28 (2) By certification or transfer to the juvenile jurisdiction of the circuit court from the criminal
29 jurisdiction of the circuit court, from any foreign court, or from any magistrate court or municipal
30 court in West Virginia.

31 (f)(1) If a juvenile commits an act which would be a crime if committed by an adult, and
32 the juvenile is adjudicated delinquent for that act, the jurisdiction of the court which adjudged the
33 juvenile delinquent continues until the juvenile becomes 21 years of age. The court has the same
34 power over that person that it had before he or she became an adult, and has the power to
35 sentence that person to a term of incarceration: *Provided*, That any term of incarceration may not
36 exceed six months. This authority does not preclude the court from exercising criminal jurisdiction
37 over that person if he or she violates the law after becoming an adult or if the proceedings have
38 been transferred to the court's criminal jurisdiction pursuant to section seven hundred four of this
39 article.

40 (2) If a juvenile is adjudicated as a status offender because he or she is habitually absent
41 from school without good cause, the jurisdiction of the court which adjudged the juvenile a status
42 offender continues until either the juvenile becomes 21 years of age, completes high school,

43 completes a high school equivalent or other education plan approved by the court, or the court
44 otherwise voluntarily relinquishes jurisdiction, whichever occurs first. If the jurisdiction of the court
45 is extended pursuant to this subdivision, the court has the same power over that person that it
46 had before he or she became an adult. No person so adjudicated who has attained the age of 19
47 may be ordered to attend school in a regular, nonalternative setting.

48 (g) A juvenile may be admitted to bail or recognizance in the same manner as an adult
49 and be afforded the protection guaranteed by Article III of the West Virginia Constitution.

50 (h) A juvenile may be effectively represented by counsel at all stages of proceedings under
51 this article, including participation in multidisciplinary team meetings, until the child is no longer
52 under the jurisdiction of the court. If the juvenile or the juvenile's parent or custodian executes an
53 affidavit showing that the juvenile cannot afford an attorney, the court shall appoint an attorney,
54 who shall be paid in accordance with §29-21-1 *et seq.* of this code.

55 (i)(1) In all proceedings under this article, the juvenile shall be afforded a meaningful
56 opportunity to be heard. This includes the opportunity to testify and to present and cross-examine
57 witnesses. The general public shall be excluded from all proceedings under this article except
58 that persons whose presence is requested by the parties and other persons whom the circuit court
59 determines have a legitimate interest in the proceedings may attend.

60 (2) In cases in which a juvenile is accused of committing what would be a felony if the
61 juvenile were an adult, an alleged victim or his or her representative may attend any related
62 juvenile proceedings, at the discretion of the presiding judicial officer.

63 (3) In any case in which the alleged victim is a juvenile, he or she may be accompanied
64 by his or her parents or representative, at the discretion of the presiding judicial officer.

65 (j) At all adjudicatory hearings held under this article, all procedural rights afforded to adults
66 in criminal proceedings shall be afforded the juvenile unless specifically provided otherwise in this
67 chapter.

68 (k) At all adjudicatory hearings held under this article, the rules of evidence applicable in
69 criminal cases apply, including the rule against written reports based upon hearsay.

70 (l) Except for res gestae, extrajudicial statements made by a juvenile who has not attained
71 14 years of age to law-enforcement officials or while in custody are not admissible unless those
72 statements were made in the presence of the juvenile's counsel. Except for res gestae,
73 extrajudicial statements made by a juvenile who has not attained 16 years of age but who is at
74 least 14 years of age to law-enforcement officers or while in custody, are not admissible unless
75 made in the presence of the juvenile's counsel or made in the presence of, and with the consent
76 of, the juvenile's parent or custodian, and the parent or custodian has been fully informed
77 regarding the juvenile's right to a prompt detention hearing, the juvenile's right to counsel,
78 including appointed counsel if the juvenile cannot afford counsel, and the juvenile's privilege
79 against self-incrimination.

80 (m) A transcript or recording shall be made of all transfer, adjudicatory and dispositional
81 hearings held in circuit court. At the conclusion of each of these hearings, the circuit court shall
82 make findings of fact and conclusions of law, both of which shall appear on the record. The court
83 reporter shall furnish a transcript of the proceedings at no charge to any indigent juvenile who
84 seeks review of any proceeding under this article if an affidavit is filed stating that neither the
85 juvenile nor the juvenile's parents or custodian have the ability to pay for the transcript.

86 (n) The jurisdiction of the circuit court is concurrent with that of the U.S. District Court for
87 the federal district in which the circuit court is located over proceedings arising from an alleged
88 violation of federal law by a juvenile on land in this state acquired by the United States for military
89 purposes if:

- 90 (1) The U.S. District Court with jurisdiction waives exclusive jurisdiction; and
91 (2) The alleged violation of federal law is a juvenile delinquency or status offense under
92 the laws of this state.

93 Land acquired by the United States for military purposes includes, but is not limited to,
94 land in this state that is acquired by the United States for use by the Armed Forces, the West
95 Virginia National Guard, or any other federal department or agency for military purposes.

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

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2026.

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Governor