

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

**House Bill 4405**

**FISCAL  
NOTE**

By Delegates Heckert and Hillenbrand

[Introduced January 16, 2026; referred to the

Committee on the Judiciary then Finance]

1 A BILL to amend and reenact §29-21-8 of the Code of West Virginia, 1931, as amended, relating to  
2 public defender corporations; expanding the reasons that an executive director may  
3 create, merge, or dissolve a public defender corporation, and requiring the executive  
4 director to split existing public defender corporations into two separate, and independent  
5 public defender corporations, governed by the same board of directors, when the  
6 executive director determines that a public defender corporation employs six or more  
7 assistant public defenders, inclusive of the public defender.

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

**ARTICLE 21. PUBLIC DEFENDER SERVICES.**

**§29-21-8. Public defender corporations; establishment thereof.**

1 (a) (1) In each judicial circuit of the state, there is hereby created a public defender  
2 corporation of the circuit: *Provided*, That the executive director, with the approval of the Indigent  
3 Defense Commission, may authorize the creation, merger or dissolution of a public defender  
4 corporation in a judicial circuit where the creation, merger or dissolution of such a public defender  
5 corporation would improve the quality and availability of legal representation, address conflicts of  
6 interest, assure the prudent and resourceful expenditure of state funds and further the purposes of  
7 this article: *Provided, however*, That prior to the creation, merger or dissolution of a public  
8 defender corporation in accordance with this subsection, the commission shall provide a report to  
9 the Legislature pursuant to §29-21-3b(g) of this code for approval of the creation, merger, or  
10 dissolution of any public defender corporation: *Provided further, That notwithstanding the*  
11 provisions of this section of the code to the contrary, when the executive director determines that a  
12 public defender corporation employs six or more assistant public defenders, inclusive of the public  
13 defender, such corporation shall be split into two separate and distinct public defender  
14 corporations and shall operate independently of each other. The newly created public defender  
15 corporation shall be governed by the same board of directors that governs the already existing  
16 public defender corporation in that judicial circuit, as provided in §29-21-15 of this code.

17 (2) The purpose of these public defender corporations is to provide legal representation in  
18 the respective circuits in accordance with the provisions of this article. A public defender  
19 corporation may employ full-time attorneys and employ part-time attorneys in whatever  
20 combination that the public defender corporation deems most cost effective.

21 (b) If the executive director, with the approval of the Indigent Defense Commission,  
22 determines there is a need to activate, merge or dissolve a corporation in a judicial circuit of the  
23 state, pursuant to subsection (a) of this section, the Indigent Defense Commission shall first  
24 consult with and give substantial consideration to the recommendation of the judge of a single-  
25 judge circuit or the chief judge of a multijudge circuit.

NOTE: The purpose of this bill is to provide for the creation of a second public defender corporation when a public defender corporation employs six or more assistant public defenders inclusive of the chief public defender.

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