

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4893

By Delegates Stephens and Flanigan

[Originating in the Committee on the Judiciary;

Reported on February 4, 2026]

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~~ \$200 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~~ \$500 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~~ \$1,000, or
20 ~~imprisoned~~ confined in the county jail not more than ten days, or both fined and imprisoned. A
21 person adjudged guilty of a third or subsequent offense of contempt may, in the discretion of the

22 magistrate, as an alternative to the sentence imposed by this section, be sentenced pursuant to
23 §62-11A-1a of this code.

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