

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5036

By Delegates Anders, Dillon, Kump, White, Crouse,
Foggin, B. Ward, Kimble, T. Howell, and Coop-
Gonzalez

[Introduced February 02, 2026; 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 §51-1B-1, §51-1B-2, §51-1B-3, §51-1B-4, §51-1B-5, §51-1B-6, §51-1B-7, §51-1B-8, and §51-1B-9, relating to the sovereignty of law and judicial authority in West Virginia, prohibiting parallel legal systems, specifying requirements for enforceability of contracts and arbitration agreements, addressing defenses to legal actions involving contract disputes regarding arbitration, and providing a cause of action and injunctive relief for victims of arbitration and other prohibited parallel legal systems.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1B. SOVEREIGNTY OF LAW, PROHIBITION ON ENFORCEMENT OF NON-

ENACTED LEGAL SYSTEMS.

§51-1B-1. Legislative findings.

The Legislature finds that the Constitution of the United States and the Constitution of West Virginia are the supreme law governing the rights of the people of this state, and that all judicial authority exercised within this state must derive from laws duly enacted by elected legislative bodies accountable to the people. The Legislature further finds that the enforcement of any legal system not enacted through constitutional legislative processes threatens due process, equal protection, and individual liberty.

§51-1B-2. Sovereignty of law.

No court, administrative agency, arbitrator, mediator, or other adjudicative body operating under the authority of this state shall apply, enforce, or give legal effect to any law, rule, code, legal system, or legal doctrine that was not enacted by:

The Congress of the United States;

The Legislature of the State of West Virginia; or

The common law of this state, as recognized by the courts of West Virginia.

§51-1B-3. Prohibition on parallel legal systems.

1 No parallel or alternative judicial system may exercise governmental or quasi-
2 governmental authority over any person or matter within this state.

§51-1B-4. Contracts and arbitration agreements.

1 Any contract, arbitration agreement, mediation agreement, or private adjudication shall be
2 unenforceable if its application would:

3 (a) Violate the Constitution of the United States or the Constitution of West Virginia;

4 (b) Deny a party due process of law;

5 (c) Deny a party equal protection under the law;

6 (d) Restrict access to the courts of this state; or

7 (e) Infringe upon fundamental rights guaranteed by state or federal law.

§51-1B-5. Voluntariness not a defense.

1 The voluntary nature of a contract or agreement shall not be a defense to enforcement if
2 the result would violate section §51-1B-4 of this article.

§51-1B-6. Family law and personal status protections.

1 No decision affecting marriage, divorce, child custody, child support, inheritance, property
2 rights, or personal status shall be recognized or enforced in this state if it is based in whole or in
3 part upon a legal system or code not authorized under §51-1B-2.

§51-1B-7. Construction.

1 Nothing in this section shall be construed to prohibit individuals from observing religious,
2 cultural, or personal practices in their private lives or interfere with lawful arbitration agreements
3 that fully comply with constitutional protections and public policy.

§51-1B-8. Private cause of action.

1 Any person aggrieved by the enforcement or attempted enforcement of a prohibited legal
2 system under this article may bring a civil action for declaratory and injunctive relief, and may
3 recover reasonable attorney fees and costs if successful.

§51-1B-9. Severability.

- 1 If any provision of this section is held invalid, such invalidity shall not affect other provisions
- 2 of this section that can be given effect without the invalid provision.

NOTE: The purpose of this bill is to relating to the sovereignty of law and judicial authority in West Virginia, prohibiting parallel legal systems, and providing a cause of action for violations of this article.

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