

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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §51-1B-1, §51-1B-2, §51-1B-3, §51-1B-4, §51-1B-5, §51-1B-6, §51-1B-7, §51-
3 1B-8, and §51-1B-9, relating to the sovereignty of law and judicial authority in West
4 Virginia, prohibiting parallel legal systems, specifying requirements for enforceability of
5 contracts and arbitration agreements, addressing defenses to legal actions involving
6 contract disputes regarding arbitration, and providing a cause of action and injunctive relief
7 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.**

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

§51-1B-2. **Sovereignty** **of** **law.**

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

4 The Congress of the United States;
5 The Legislature of the State of West Virginia; or
6 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.