

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5471

FISCAL
NOTE

By Delegates Dean, Lewis, Hornby, J. Cannon,
Holstein, Lucas, Bridges, Willis, Vance, and Masters

[Introduced February 12, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §50-1-3, §51-1-10a, §51-2-13, §51-2A-6, §51-9-4, and §51-11-11 of
 2 the Code of West Virginia, 1931, as amended, relating to salaries and retirement benefits
 3 of judges; increasing annual salary of magistrates, justices of the Supreme Court of
 4 Appeals, circuit court judges, family court judges, and judges of the Intermediate Court of
 5 Appeals; and clarifying retirement contributions.

Be it enacted by the Legislature of West Virginia:

CHAPTER 50. MAGISTRATE COURTS.

§50-1-3. Salaries of magistrates.

1 Notwithstanding any provisions of this code to the contrary, beginning July 1, 2021, the
 2 annual salary of a magistrate shall be \$60,375, and beginning July 1, 2022, the annual salary of a
 3 magistrate shall be \$63,250-: Provided, That beginning July 1, 2026, the annual salary of a
 4 magistrate shall be \$75,880.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 1. SUPREME COURT OF APPEALS.

§51-1-10a. Salary of justices.

1 The salary of each of the justices of the Supreme Court of Appeals shall be \$95,000 per
 2 year: *Provided*, That beginning July 1, 2005, the salary of each of the justices of the Supreme
 3 Court shall be \$121,000: *Provided, however*, That beginning July 1, 2011, the annual salary of a
 4 justice of the Supreme Court shall be \$136,000: *Provided further*, That beginning July 1, 2021, the
 5 annual salary of a justice of the Supreme Court of Appeals shall be \$142,800, and beginning July
 6 1, 2022, the annual salary of a justice of the Supreme Court of Appeals shall be \$149,600-: And
 7 provided further, That beginning July 1, 2026, the annual salary of a justice of the Supreme Court
 8 of Appeals shall be \$154,600: And provided further, That beginning July 1, 2027, the annual salary
 9 of a justice of the Supreme Court of Appeals shall be \$159,600.

ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.

13 employees, whose salaries are not set by statute, expressed as a percentage increase or an
14 across-the-board increase enacted after July 1, 2023.

15 (c) The family court judge may employ not more than one family case coordinator who
16 serves at his or her will and pleasure: *Provided*, That the Supreme Court of Appeals may authorize
17 additional family case coordinators if the workload of a circuit's family court requires extra staff
18 support. The annual salary of the family case coordinator of the family court judge shall be
19 established by the Administrative Director of the Supreme Court of Appeals but may not exceed
20 \$54,576. Beginning July 1, 2023, the annual salary of a family court case coordinator shall not
21 exceed \$56,876. Family court case coordinators may receive any general salary increase granted
22 to state employees, whose salaries are not set by statute, expressed as a percentage increase or
23 an across-the-board increase enacted after July 1, 2023. If more than one family case coordinator
24 is approved by the Supreme Court of Appeals, then the chief family court judge of that circuit shall
25 appoint, supervise, and assign job duties for any additional family case coordinator as needed for
26 that circuit.

27 (d) The sheriff or his or her designated deputy shall serve as a bailiff for a family court
28 judge. The sheriff of each county shall serve or designate persons to serve so as to assure that a
29 bailiff is available when a family court judge determines the same is necessary for the orderly and
30 efficient conduct of the business of the family court.

31 (e) Disbursement of salaries for family court judges and members of their staffs are made
32 by or pursuant to the order of the Director of the Administrative Office of the Supreme Court of
33 Appeals.

34 (f) Family court judges and members of their staffs ~~staff~~ are allowed their actual and
35 necessary expenses incurred in the performance of their duties. The expenses and compensation
36 will be determined and paid by the Director of the Administrative Office of the Supreme Court of
37 Appeals under such guidelines as he or she may prescribe, as approved by the Supreme Court of
38 Appeals.

39 (g) The Supreme Court of Appeals ~~is authorized to~~ may create additional classifications of
40 support staff that it deems necessary to adequately and efficiently staff the family courts of this
41 state, including, but not limited to, receptionists, assistant case coordinators, and assistant
42 secretary-clerks. The Supreme Court of Appeals may determine the authority to hire and
43 terminate, supervise, and assign job duties for these positions pursuant to its own employment
44 rules, policies, and procedures. The annual salary of additional support staff authorized by this
45 section shall not exceed the regular annual salary of a secretary-clerk and shall be paid by the
46 state on the same basis established for secretary-clerks as provided in this section.

ARTICLE 9. RETIREMENT SYSTEM FOR JUDGES OF COURTS OF RECORD.

§51-9-4. Required percentage contributions from salaries; any termination of required contributions prior to actual retirement disallowed; leased employees; military service credit; maximum allowable and qualified military service; qualifiable prosecutorial service.

1 (a) Every person who is now serving or shall hereafter serve as a judge of any court of
2 record of this state shall pay into the Judges' Retirement Fund six percent of the salary received by
3 such person out of the State Treasury: *Provided*, That when a judge becomes eligible to receive
4 benefits from such trust fund by actual retirement, no further payment by him or her shall be
5 required, since such employee contribution, in an equal treatment sense, ceases to be required in
6 the other retirement systems of the state, also, only after actual retirement: *Provided, however*,
7 That on and after January 1, 1995, every person who is then serving or shall thereafter serve as a
8 judge of any court of record in this state shall pay into the Judges' Retirement Fund nine percent of
9 the salary received by that person: *Provided further*, That consistent with the salary increase
10 granted to judges of courts of record during the 2005 regular legislative session and to changes
11 effectuated in judicial retirement by provisions enacted during the third extraordinary legislative
12 session of 2005, on and after July 1, 2005, every person who is then serving or shall thereafter
13 serve as a judge of any court of record in this state shall pay into the Judges' Retirement Fund ten

14 and one-half percent of the salary received by that person: *And provided further*, That on and after
15 July 1, 2013, except as provided in subsection (b) of this section, every person who is then serving
16 or shall thereafter serve as a judge of any court of record in this state and who elects to participate
17 in this retirement system shall pay into the Judges' Retirement Fund seven percent of the salary
18 received. Any prior occurrence or practice to the contrary, in any way allowing discontinuance of
19 required employee contributions prior to actual retirement under this retirement system, is rejected
20 as erroneous and contrary to legislative intent and as violative of required equal treatment and is
21 hereby nullified and discontinued fully, with the State Auditor to require such contribution in every
22 instance hereafter, except where no contributions are required to be made under any of the
23 provisions of this article.

24 (b) On and after July 1, 2014, every person who is serving or shall hereafter serve as a
25 judge of any court of record of this state and who elects to participate in this retirement system
26 shall contribute to the fund an amount determined by the board. This amount will be based on the
27 annual actuarial valuation prepared by the State Actuary: *Provided*, That the contribution will be no
28 less than seven percent or no more than ten and one-half percent of the participant's annual
29 compensation.

30 (c) On and after July 1, 2025, every person who is serving or shall hereafter serve as a
31 judge of any court of record of this state and who elects to participate in this retirement system
32 shall contribute to the Judges' Retirement Fund seven percent of the salary received.

33 (d) On or after July 1, 2013, and each year thereafter, the annual actuarial valuation
34 prepared by the State Actuary for determination of all participants' contributions and the annual
35 actuarially required contribution prepared by the State Actuary for use by the courts of this state for
36 legislative appropriation shall be provided to the Legislature's Joint Committee on Government
37 and Finance and the Joint Committee on Pensions and Retirement: *Provided, That the*
38 responsibility of the courts to pay, deposit, or transfer the calculated contribution into the plan shall
39 be placed on a contribution holiday until such time that the actual overfunded nature of the pension

40 fund has fallen below a rate of 150 percent.

41 ~~(d)~~ (e) An individual who is a leased employee shall not be eligible to participate in the
42 system. For purposes of this system, a "leased employee" means any individual who performs
43 services as an independent contractor or pursuant to an agreement with an employee leasing
44 organization or other similar organization. If a question arises regarding the status of an individual
45 as a leased employee, the board has the final power to decide the question.

46 ~~(e)~~ (f) In drawing warrants for the salary checks of judges, the State Auditor shall deduct
47 from the amount of each such salary check six percent thereof, which amount so deducted shall
48 be credited by the Consolidated Public Retirement Board to the trust fund: *Provided*, That on or
49 after January 1, 1995, the amount so deducted and credited shall be nine percent of each such
50 salary check: *Provided, however*, That consistent with the salary increase granted to judges of
51 courts of record during the 2005 regular legislative session and to changes effectuated in judicial
52 retirement by provisions enacted during the third extraordinary legislative session of 2005, on or
53 after July 1, 2005, the amount so deducted and credited shall be ~~ten~~ 10 and one-half percent of
54 each such salary check: *Provided further*, That on and after July 1, 2013, except as provided in
55 subsection (b) of this section, the amount so deducted and credited shall be seven percent of each
56 salary check: *And provided further*, That on and after July 1, 2014, the amount so deducted and
57 credited will be determined by the board.

58 ~~(f)~~ (g) Any judge seeking to qualify military service to be claimed as credited service, in
59 allowable aggregate maximum amount up to five years, shall be entitled to be awarded the same
60 without any required payment in respect thereof to the Judges' Retirement Fund.

61 ~~(g)~~ (h) Notwithstanding the preceding provisions of this section, contributions, benefits,
62 and service credit with respect to qualified military service shall be provided in accordance with
63 Section 414(u) of the Internal Revenue Code. For purposes of this section, "qualified military
64 service" has the same meaning as in Section 414(u) of the Internal Revenue Code. The
65 Retirement Board is authorized to determine all questions and make all decisions relating to this

66 section and may promulgate rules relating to contributions, benefits and service credit pursuant to
 67 the authority granted to the retirement board in ~~section one, article ten-d, chapter five~~ §5-10D-1 of
 68 this code to comply with Section 414(u) of the Internal Revenue Code.

69 (h) (i) Any judge holding office as such on the effective date of the amendments to this
 70 article adopted by the Legislature at its 1987 regular session who seeks to qualify service as a
 71 prosecuting attorney as credited service, which service credit must have been earned prior to the
 72 year 1987, shall be required to pay into the Judges' Retirement Fund nine percent of the annual
 73 salary which was actually received by such person as prosecuting attorney during the time such
 74 prosecutorial service was rendered prior to the year 1987 and for which credited service is being
 75 sought, together with applicable interest. No judge whose term of office shall commence after the
 76 effective date of such amendments to this article shall be eligible to claim any credit for service
 77 rendered as a prosecuting attorney as eligible service for retirement benefits under this article, nor
 78 shall any time served as a prosecutor after the year 1988 be considered as eligible service for any
 79 purposes of this article.

ARTICLE 11. THE WEST VIRGINIA APPELLATE REORGANIZATION ACT.

§51-11-11. Judicial compensation and benefits; expenses.

1 (a) The annual salary of a Judge of the Intermediate Court of Appeals is \$142,500;
 2 Provided, That beginning July 1, 2026, the annual salary of a Judge of the Intermediate Court of
 3 Appeals shall be \$147,500: *Provided, however, That beginning July 1, 2027, the annual salary of a*
 4 Judge of the Intermediate Court of Appeals shall be \$152,500. The budget for the payment of
 5 compensation and expenses of Intermediate Court of Appeals judges shall be included in the
 6 appropriation for the Supreme Court of Appeals.

7 (b) Judges of the Intermediate Court of Appeals and staff shall be reimbursed for their
 8 actual and necessary expenses incurred in the performance of their duties under the guidelines
 9 prescribed by the Administrative Director of the Supreme Court of Appeals.

NOTE: The purpose of this bill is to provide pay increases to members of the judiciary and clarify retirement contributions.

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