

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5540

By Delegate Young

[Introduced February 16, 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 section,
2 designated §61-11-28, relating to codifying due process rights upon arrest.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIME.

§61-11-28. Due process.

1 Any person arrested for an alleged civil or criminal violation in this state must be afforded
2 due process and must be advised of the individual's right to remain silent, be advised of the
3 individual's right to have an attorney present during questioning, and be provided the warning that
4 anything that the individual says may be used against the individual in court.

NOTE: The purpose of this bill is to codify due process rights upon arrest.

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