

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 923

By Senators Rucker, Azinger, Barrett, Helton, M.

Maynard, Rose, Taylor, Thorne, and Willis

[Introduced February 12, 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 §55-22-1, §55-22-2, §55-22-3, §55-22-4, §55-22-5, §55-22-6, §55-22-7, §55-
 3 22-8, §55-22-9, §55-22-10, §55-22-11, and §55-22-12, relating to civil procedure, and
 4 creating the West Virginia Guaranteeing Rights Against Novel International Tyranny and
 5 Extortion (GRANITE) Act; creating a cause of action against foreign states and
 6 international organizations regarding foreign censorship laws that violate specific
 7 constitutional provisions; providing for standing, jurisdiction, venue, alternative service of
 8 process, and a statute of limitations; providing remedies; imposing joint and several
 9 liability; prohibiting the state from recognizing, enforcing, or cooperating with certain
 10 foreign judgments; creating a cause of action against the state for the recognition,
 11 enforcement, or cooperation with certain foreign judgments; providing civil penalties;
 12 providing definitions; providing legislative findings; making conforming amendments;
 13 requiring rulemaking; and providing for effective dates.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22. GUARANTEEING RIGHTS AGAINST NOVEL INTERNATIONAL
TYRANNY AND EXTORTION ACT.

§55-22-1. Legislative findings.

1 The legislature finds that:
 2 (a) West Virginia has a strong public policy favoring robust protection of speech,
 3 association and innovation, including in the fields of digital communication, blockchain and
 4 internet services and relies on a predictable legal environment for persons engaged in those
 5 activities in this state;
 6 (b) Foreign states and international organizations increasingly seek to restrict, penalize or
 7 compel disclosure of speech that occurs wholly within the United States by threatening or
 8 attempting to enforce foreign censorship laws;

9 (c) For example, the United Kingdom's communications regulatory agency, the Office of
10 Communications, sent a letter to the United States based platform 4chan threatening fines of not
11 more than \$25 million or ten percent of that company's total worldwide revenue for noncompliance
12 with the United Kingdom's Online Safety Act. In addition, the Brazilian supreme court Justice
13 Alexandre de Moraes ordered the United States based platforms X (formerly known as Twitter)
14 and Trump Media and Technology Group to censor user accounts and disclose user data or the
15 Brazilian supreme court may order the shutdown of the platforms and impose significant penalties;

16 (d) These extraterritorial efforts taken by foreign states and international organizations
17 conflict with the United States Constitution and the West Virginia Constitution by chilling the
18 speech of West Virginia residents, including residents who operate in digital innovation sectors like
19 blockchain and decentralized technologies;

20 (e) West Virginia has a compelling state interest in safeguarding the free exchange of
21 ideas and protecting its citizens and business entities against foreign coercion and intimidation;

22 (f) Censorship by foreign states and international organizations threatens West Virginia's
23 leadership in decentralized finance and digital assets;

24 (g) In order to effectively deter foreign states and international organizations from enforcing
25 foreign censorship laws in West Virginia, there needs to be meaningful civil remedies and joint and
26 several liability across foreign states, agencies and instrumentalities of foreign states,
27 international organizations and foreign officials. Agencies and instrumentalities of foreign states
28 and foreign officials may be immune from judgment or liability while foreign states and
29 international organizations often maintain assets or commercial relationships within the United
30 States;

31 (h) Foreign censorship laws enforced by foreign states or international organizations
32 characteristically restrict expression based on content, viewpoint or speaker identity in ways that
33 would be presumptively unconstitutional under the first amendment to the United States
34 Constitution, Section 7, Article III of the West Virginia Constitution and Section 16, Article III of the

35 West Virginia Constitution;

36 (i) It is appropriate to place the burden on foreign states and international organizations to
37 demonstrate that the foreign states' or international organizations' enforcement of foreign
38 copyright laws would satisfy strict scrutiny rather than requiring West Virginia residents and
39 business entities to prove the unconstitutionality of foreign speech restrictions because these
40 foreign copyright laws are fundamentally incompatible with the constitutional protections
41 afforded by the United States and West Virginia Constitutions;

42 (j) Foreign states and international organizations have increasingly sought to criminalize
43 constitutionally protected speech by issuing criminal foreign judgments, arrest warrants and
44 extradition requests that deprive persons in the United States from lawful expression that is
45 constitutionally protected in the United States. The dual criminality requirement in most United
46 States mutual legal assistance treaties reflects the principle that the United States should not lend
47 its sovereign power to enforce foreign judgments that criminalize conduct that is lawful in the
48 United States. West Virginia has a compelling state interest in ensuring its legal infrastructure is
49 not used to circumvent this principle;

50 (k) Foreign states and international organizations have exploited procedural mechanisms,
51 including service of process through mutual legal assistance treaties, upon registered agents and
52 through private process servers to advance foreign copyright proceedings against citizens of the
53 United States. Even ministerial cooperation may result in substantial foreign penalties for
54 constitutionally protected speech, which facilitates the clearance of procedural hurdles in the
55 foreign jurisdiction. West Virginia's registered agent system and private process servers should
56 not serve as vectors for foreign copyright proceedings and service of process effectuated
57 through any means should not result in recognition of any resulting foreign judgment in this state;

58 (l) This act operates defensively to protect persons within West Virginia from coercion,
59 rather than offensively to regulate foreign conduct. Congress has endorsed this approach through
60 the federal SPEECH Act, 28 U.S.C. §§ 4101–4105, which prohibits recognition of foreign

61 defamation judgments that are inconsistent with the first amendment to the United States
 62 constitution. This act extends that principle to the broader category of foreign censorship,
 63 consistent with West Virginia's sovereign authority to determine which foreign judgments West
 64 Virginia's courts will recognize and enforce;

65 (m) The executive branch of the United States has not established a comprehensive policy
 66 to protect United States persons from enforcement of foreign censorship laws by foreign states
 67 and international organizations. This act aims to protect state residents from enforcement of
 68 foreign censorship laws and does not conflict with any existing federal law or policy;

69 (n) When a foreign state or international organization transmits an enforcement demand,
 70 fine or threat to a person in West Virginia the tortious act is completed upon receipt. The harm
 71 occurs in West Virginia when the person receives and understands the communication and
 72 experiences the coercive effect of the communication;

73 (o) West Virginia seeks to establish itself as a welcoming home for digital innovation and
 74 digital infrastructure. West Virginia has a compelling state interest in protecting digital innovation
 75 and digital infrastructure located within the state, including servers, data centers and other digital
 76 infrastructure from enforcement of foreign censorship laws;

77 (p) No foreign state or international organization has legitimate discretion to enforce
 78 foreign censorship laws against persons or speech protected by the first amendment of the United
 79 States Constitution. The suppression of constitutionally protected expression violates
 80 fundamental rights recognized by the United Nations Universal Declaration of Human Rights, the
 81 United Nations International Covenant on Civil and Political Rights and the first amendment to the
 82 United States Constitution. Foreign state's and international organization's enforcement of foreign
 83 censorship laws is conduct that falls outside any discretionary function exception to foreign
 84 sovereignty immunity.

§55-22-2. Short title.

1 This chapter shall be known and may be cited as the "West Virginia Guaranteeing Rights

2 Against Novel International Tyranny and Extortion (GRANITE) Act."

§55-22-3. **Purposes.**

1 The purposes of this chapter are to:

2 (a) Protect the constitutional rights of West Virginia residents and business entities from
3 the extraterritorial application of foreign censorship laws by establishing an in-state forum, with
4 clear and predictable jurisdictional rules and effective remedies that are consistent with federal
5 law;

6 (b) Promote West Virginia's economy by fostering a safe harbor for digital innovation and
7 by ensuring that foreign threats do not deter investment in West Virginia business entities.

§55-22-4. **Definitions.**

1 As used in this chapter:

2 (a) "Enforce" means to give effect to, carry out or seek compliance with a foreign
3 censorship law, including by formal legal process, economic pressure, indirect coercion through
4 affiliates or intermediaries or any other means;

5 (b) "Foreign censorship law" means any law, rule, judgment, order, subpoena,
6 administrative action or formal demand of a foreign state or international organization that:

7 (1) Is final, binding and enforceable under the law of that foreign state or country where the
8 international organization is headquartered;

9 (2) Has the primary purpose or a substantial effect of restricting, penalizing or compelling
10 disclosure regarding expression, expressive conduct or expressive association;

11 (3) Targets expression, expressive conduct or expressive association based on its content,
12 viewpoint or speaker identity or compels disclosure that would reasonably chill that expression,
13 expressive conduct or expressive association; and

14 (4) Would be unenforceable in this state because it conflicts with the protections of the first
15 amendment of the United States Constitution, Section 7, Article III of the West Virginia
16 Constitution or Section 16, Article III of the West Virginia Constitution.

17 (c) "Foreign judgment" means any judgment, decree, order or similar determination issued
18 by a foreign state or international organization that is final, binding and enforceable under the laws
19 of that foreign state or country where the international organization is headquartered;

20 (d) "Foreign state" means as defined in 28 U.S.C. § 1603(a). "Foreign state" shall include
21 an agency or instrumentality of a foreign state as defined in 28 U.S.C. § 1603(b);

22 (e) "International organization" means:

23 (1) As defined in 22 U.S.C. § 288;

24 (2) An organization with which the United States has official relations, including any
25 supranational organization, intergovernmental organization or multilateral institution; or

26 (3) Any member state, organ, agency, commission, court or instrumentality of an
27 organization described in subparagraph (A) or (B) of this paragraph.

28 (f) "Threaten" means to communicate an intent to enforce a foreign censorship law,
29 including by sending or directing any notice, demand, subpoena, request or similar
30 communication to a person by any medium;

31 (g) "United States person" means a person who is a citizen or permanent resident of the
32 United States or any business entity organized under the laws of the United States or any state or
33 territory thereof;

34 (h) "United States related revenue" means gross revenue from the sales of goods,
35 provision of services or conduct of business operations in or directed to the United States, as
36 determined under generally accepted accounting principles, for the most recent twelve (12) month
37 period ending on the last day of the defendant's fiscal year preceding the commencement of the
38 cause of action under this article. For purposes of this paragraph, "defendant" shall include the
39 named entity and any parent, subsidiary or affiliate of the entity under common control that
40 participated in the relevant transactions;

41 (i) "West Virginia resident" means a natural person who is domiciled in this state;

42 (j) "West Virginia business entity" means a business entity that:

43 (1) Is incorporated, organized or created under the laws of this state; or

44 (2) Has its principal place of business in this state.

§55-22-5. Cause of action; statute of limitations; construction.

1 (a) A plaintiff described in §55-22-6(a) of this Code shall have a cause of action, to the
2 extent permitted by federal law and subject to subsections (b) and (c) of this section, against any
3 foreign state, international organization or any officer, employee or other person thereof acting
4 within the scope of their official duties who has threatened to enforce, attempted to enforce or
5 enforced a foreign censorship law against the plaintiff in a manner that would violate the first
6 amendment of the United States Constitution, Section 7, Article III of the West Virginia
7 Constitution or Section 16, Article III of the West Virginia Constitution.

8 (b) The cause of action under subsection (a) of this section shall apply only to the extent
9 permitted by federal law, including the Foreign Sovereign Immunities Act and the International
10 Organizations Immunities Act and any applicable headquarters agreement, treaty or executive
11 order.

12 (c) Nothing in this chapter shall be construed to:

13 (1) Waive the sovereign immunity of any foreign state or international organization;

14 (2) Limit any exceptions to sovereign immunity available to the plaintiff under the federal
15 Foreign Sovereign Immunities Act;

16 (3) Limit any right of a defendant to remove the case from state court to federal court as
17 provided by federal law;

18 (4) Limit any defense available to the defendant under federal law;

19 (5) Regulate foreign states or international organizations or to conflict with the foreign
20 affairs powers of the United States.

21 (d) A cause of action brought under subsection (a) of this section shall be commenced not
22 later than four years after the latest of the following dates:

23 (1) The date of a foreign state's or international organization's threat to enforce, attempt to

24 enforce or enforcement of a foreign censorship law;

25 (2) The date of the last in a series of related threats, attempts or enforcement actions by a
26 foreign state or international organization arising from the same investigation or proceeding;

27 (3) The date the plaintiff discovered or reasonably could have discovered a foreign state's
28 or international organization's threat to enforce, attempt to enforce or enforcement of a foreign
29 censorship law.

§55-22-6. Standing; jurisdiction; venue; alternative service of process.

1 (a) A civil cause of action brought under §55-22-5(a) of this Code may be brought by:

2 (1) A West Virginia resident;

3 (2) A natural person who is physically present in this state when a foreign state or
4 international organization threatens to enforce, attempts to enforce or enforces a foreign
5 censorship law against the natural person and who was specifically targeted by the foreign
6 censorship law while physically present in this state;

7 (3) A West Virginia business entity; or

8 (4) Any United States person whose protected expression, expressive conduct or
9 expressive association originates from or is hosted on servers physically located in this state.

10 (b) Notwithstanding any other provision of law, a West Virginia court may exercise personal
11 jurisdiction over any foreign state or international organization that threatens to enforce, attempts
12 to enforce or enforces a foreign censorship law against a person with standing under subsection
13 (a) of this section, consistent with the United States Constitution and the West Virginia
14 Constitution.

15 (c) Notwithstanding §55-22-8 of this code, an action initiated under §55-22-5(a) of this
16 code may be brought in:

17 (1) The district court of the county where the plaintiff resides or is located;

18 (2) The district court where the communication that threatened to enforce, attempted to
19 enforce or enforced a foreign censorship law was received; or

20 (3) The district court in Kanawha county.

21 (d) Except as provided by subsection (e) of this section, upon a motion by the plaintiff, a
22 court may authorize an alternative method of service of process that is reasonably calculated to
23 give actual notice to an international organization, including:

24 (1) Service by email to email addresses that were used to transmit the threat to enforce,
25 attempt to enforce or enforcement of a foreign censorship law;

26 (2) Service on the United States counsel of record for the international organization;

27 (3) Service by publishing on a website maintained by an international organization, if the
28 international organization is evading notice;

29 (4) Any other means of service that is permitted by law or treaty.

30 (e) Service of process on:

31 (1) A foreign state shall comply with 28 U.S.C. § 1608;

32 (2) An international organization as defined in 22 U.S.C. § 288 shall comply with 28 U.S.C.
33 § 1608 and any applicable headquarters agreements, treaties and established procedures for
34 providing service of process.

§55-22-7. Presumptions; rebuttal.

1 (a) A court shall presume that a foreign censorship law violates the first amendment of the
2 United States Constitution, Section 7, Article III of the West Virginia Constitution and Section 16,
3 Article III of the West Virginia Constitution.

4 (b) A defendant may rebut the presumption under subsection (a) of this section by proving
5 by clear and convincing evidence that:

6 (1) The foreign censorship law, on its face and as applied to the plaintiff's expression,
7 expressive conduct or expressive association, would satisfy strict scrutiny under the first
8 amendment to the United States Constitution, Section 7, Article III of the West Virginia
9 Constitution and Section 16, Article III of the West Virginia Constitution; and

10 (2) The threatened enforcement, attempted enforcement or enforcement of the foreign

11 censorship law does not burden expression, expressive conduct or expressive association that is
12 protected under the first amendment to the United States Constitution, Section 7, Article III of the
13 West Virginia Constitution and Section 16, Article III of the West Virginia Constitution.

§55-22-8. Nonrecognition of foreign judgements; noncooperation with foreign judgments
 and extradition requests; penalties; cause of action.

1 (a) Except as provided by federal law and otherwise provided by this subsection, no court
2 of this state shall recognize, enforce or give effect to any foreign judgment, order, subpoena,
3 administrative action, fine, penalty or similar measure that imposes liability or compels actions
4 based on expression, expressive conduct or expressive association that would be protected by
5 the first amendment of the United States Constitution, Section 7, Article III of the West Virginia
6 Constitution or Section 16, Article III of the West Virginia Constitution. A court may sever and may
7 recognize, enforce or give effect to any foreign judgment, order, subpoena, administrative action,
8 fine, penalty or similar measure that does not impose liability or compel action based on
9 expression, expressive conduct or expressive association that would be protected by the first
10 amendment of the United States Constitution, Section 7, Article III of the West Virginia Constitution
11 or Section 16, Article III of the West Virginia Constitution.

12 (b) Except as required by federal law, the state, its political subdivisions and its employees
13 acting within the scope of their official duties shall not provide assistance or cooperation in
14 collecting, enforcing or giving effect to any foreign judgment, order, subpoena, administrative
15 action, fine, penalty or similar measure that imposes liability or compels actions based on
16 expression, expressive conduct or expressive association that would be protected by the first
17 amendment of the United States Constitution, Section 7, Article III of the West Virginia Constitution
18 or Section 16, Article III of the West Virginia Constitution.

19 (c) The state and its political subdivisions shall not indemnify or reimburse a person who
20 violated subsection (b) of this section for a civil penalty imposed under subsection (c) of this
21 section.

22 (d) Except as required by federal law, no court of this state shall recognize, enforce or give
23 effect to any foreign criminal judgment, conviction, sentence, warrant or similar order that imposes
24 criminal liability based in whole or in part on expression, expressive conduct or expressive
25 association that would be protected by the first amendment of the United States Constitution,
26 Section 7, Article III of the West Virginia Constitution or Section 16, Article III of the West Virginia
27 Constitution.

28 (e) Except as required by federal law, the state, its political subdivisions and its employees
29 acting within the scope of their official duties shall not:

30 (1) Arrest, detain or surrender any person pursuant to a foreign extradition request,
31 international arrest warrant or similar process when the underlying offense is based on
32 expression, expressive conduct or expressive association that would be protected by the first
33 amendment of the United States Constitution, Section 7, Article III of the West Virginia Constitution
34 or Section 16, Article III of the West Virginia Constitution;

35 (2) Provide any other assistance or cooperation to any foreign state or international
36 organization in investigating, prosecuting, sanctioning or punishing any person for expression,
37 expressive conduct or expressive association that would be protected by the first amendment of
38 the United States Constitution, Section 7, Article III of the West Virginia Constitution or Section 16,
39 Article III of the West Virginia Constitution;

40 (3) Honor or execute a request under a mutual legal assistance treaty, letters, rogatory or
41 other international agreement or mechanism if the request seeks service of process, evidence
42 testimony or any other assistance in connection with a proceeding based on expression,
43 expressive conduct or expressive association that would be protected by the first amendment of
44 the United States Constitution, Section 7, Article III of the West Virginia Constitution or Section 16,
45 Article III of the West Virginia Constitution.

46 (f) This section shall apply regardless of the manner in which service of process was
47 effectuated in a foreign proceeding.

48 (g) The attorney general shall promulgate rules to provide guidance to state and local law
 49 enforcement regarding implementation of this section, including procedures for identifying foreign
 50 judgments, foreign criminal judgments, orders, subpoenas, administrative actions, fines and
 51 penalties from foreign states and international organizations that may impose liability or compel
 52 action based on expression, expressive conduct or expressive association that would be
 53 protected by the first amendment of the United States Constitution, Section 7, Article III of the
 54 West Virginia Constitution or Section 16, Article III of the West Virginia Constitution.

§55-22-9. Actions against nonresidents and foreign corporations.

1 An action, other than one of those mentioned in this article, against a nonresident of this
 2 state or a foreign corporation, whether or not codefendants reside in West Virginia, may be
 3 brought in any county where the cause of action arose or where the plaintiff resides.

§55-22-10. Rulemaking.

1 The Attorney General shall promulgate all rules necessary to implement this act.

§55-22-11. Effective date.

1 This Act takes effect on July 1, 2026.

NOTE: The purpose of this bill is to create the West Virginia "Guaranteeing Rights Against Novel International Tyranny and Extortion (GRANITE) Act."

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