

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 793

BY SENATORS WILLIS AND WOELFEL

[Introduced February 6, 2026; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §2-2-1, §2-2-2, and §7-3-2 of the Code of West Virginia, 1931, as
2 amended, relating to courthouse closures on certain days; clarifying days considered legal
3 holidays; clarifying applicability of rules of the Supreme Court of Appeals with regard to
4 certain timing matters for state courts; clarifying effect of proceeding or act to take place
5 or term of court to commence on day of local significance; defining "day of local
6 significance"; setting forth procedures for designating day of local significance; and
7 clarifying weekdays on which a courthouse may be closed.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 2. COMMON LAW, STATUTES, LEGAL HOLIDAYS,
DEFINITIONS AND LEGAL CAPACITY.**

**ARTICLE 2. LEGAL HOLIDAYS; SPECIAL MEMORIAL DAYS; CONSTRUCTION OF
STATUTES; DEFINITIONS.**

§2-2-1. Legal holidays; official acts or court proceedings.

- 1 (a) The following days are legal holidays:
- 2 (1) January 1 is "New Year's Day";
- 3 (2) The third Monday of January is "Martin Luther King's Birthday";
- 4 (3) The third Monday of February is "Presidents' Day";
- 5 (4) The last Monday in May is "Memorial Day";
- 6 (5) June 20 is "West Virginia Day";
- 7 (6) July 4 is "Independence Day";
- 8 (7) The first Monday of September is "Labor Day";
- 9 (8) The second Monday of October is "Columbus Day";
- 10 (9) November 11 is "Veterans' Day";
- 11 (10) The fourth Thursday of November is "Thanksgiving Day";
- 12 (11) The day after Thanksgiving Day is "Lincoln's Day";

13 (12) December 25 is "Christmas Day";

14 (13) Any day on which a general, primary or special election is held is a holiday throughout
15 the state, a political subdivision of the state, a district or an incorporated city, town or village in
16 which the election is conducted;

17 (14) General election day on even years shall be designated Susan B. Anthony Day, in
18 accordance with the provisions of §2-2-1a(b) of this code; and

19 (15) Any day proclaimed or ordered by the Governor ~~or the President of the United States~~
20 as a day of special observance or Thanksgiving, or a day for the general cessation of business,
21 is a holiday.

22 (b) If a holiday otherwise described in subsection (a) of this section falls on a Sunday, then
23 the following Monday is the legal holiday. If a holiday otherwise described in subsection (a) of this
24 section falls on a Saturday, then the preceding Friday is the legal holiday: *Provided*, That this
25 subsection shall not apply to subdivisions (13), (14), and (15), subsection (a) of this section.

26 (c) Any day or part thereof designated by the Governor as time off, without charge against
27 accrued annual leave, for state employees statewide may also be time off for county employees
28 if the county commission elects to designate the day or part thereof as time off, without charge
29 against accrued annual leave for county employees. Any entire or part statewide day off
30 designated by the Governor may, for all courts, be treated as if it were a legal holiday.

31 (d) In computing any period of time prescribed by any applicable provision of this code or
32 any legislative rule or other administrative rule or regulation promulgated pursuant to the
33 provisions of this code, the day of the act, event, default or omission from which the applicable
34 period begins to run is not included. The last day of the period so computed is included, unless it
35 is a Saturday, a Sunday, a legal holiday, or a designated day off in which event the prescribed
36 period of time runs until the end of the next day that is not a Saturday, Sunday, legal holiday, or
37 designated day off.

38 (e) If any applicable provision of this code or any legislative rule or other administrative
39 rule or regulation promulgated pursuant to the provisions of this code designates a particular date
40 on, before or after which an act, event, default or omission is required or allowed to occur, and if
41 the particular date designated falls on a Saturday, Sunday, legal holiday, or designated day off,
42 then the date on which the act, event, default or omission is required or allowed to occur is the
43 next day that is not a Saturday, Sunday, legal holiday, or designated day off.

44 (f) With regard to the courts of this state, the computation of periods of time, the specific
45 dates or days when an act, event, default or omission is required or allowed to occur and the
46 relationship of those time periods and dates to Saturdays, Sundays, legal holidays, or days
47 designated as weather or other emergency days or as days of local significance pursuant to §2-
48 2-2 of this code are governed by rules promulgated by the Supreme Court of Appeals.

49 (g) The provisions of this section do not increase or diminish the legal school holidays
50 provided in §18A-5-2 of this code.

§2-2-2. When acts to be done fall on Saturday, Sunday, ~~or~~ legal holiday, weather or other emergency day, or day of local significance; adjournments from day to day.

1 (a) When a proceeding is directed to take place or any act to be done on any particular
2 day of the month or within any period of time prescribed or allowed, including those provided by
3 §55-2-1 et seq. of this code, if that day or the last day falls on a Saturday, Sunday, legal holiday,
4 ~~or a~~ weather or other emergency day, or day of local significance, the next day that is not a
5 Saturday, Sunday, legal holiday, ~~or a~~ weather or other emergency day, or day of local significance
6 shall be deemed to be the one intended; and when the day upon which a term of court is directed
7 by law to commence falls on a Saturday, Sunday, legal holiday, ~~or a~~ weather or other emergency
8 day, or day of local significance, the following day that is not a Saturday, Sunday, legal holiday,
9 ~~or a~~ weather or other emergency day, or day of local significance shall be deemed to be the day
10 intended. When an adjournment is authorized from day to day, an adjournment from Friday to
11 Monday will be legal.

12 (b)(1) For purposes of this section, "weather or other emergency day" means a day
13 designated for a county in accordance with the provisions of subdivision (2) of this subsection as
14 a day upon which weather or other emergency conditions in that county prevent the general
15 transaction of court business in that county.

16 (2) A weather or other emergency day is designated by order of the chief justice of the
17 Supreme Court of Appeals or by order of the chief judge of the circuit court of the county in which
18 the proceeding is directed to take place or in which the act is to be done.

19 (c)(1) For the purposes of this section, "day of local significance" means a date on which
20 a locally observed special occasion, such as a fair, festival, parade, or celebration, makes the
21 general transaction of court business in that county impractical.

22 (2) A day of local significance must be designated by a proclamation of the county
23 commission and corresponding order of the chief judge of the circuit court in which the county is
24 located, both issued more than 90 days prior to the designated date: *Provided*, That within one
25 business day following issuance, the proclamation shall be transmitted by the county commission
26 and the order shall be transmitted by the court to the administrative office of the Supreme Court
27 of Appeals for notice and publication.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 3. COUNTY PROPERTY.

§7-3-2. Courthouse, jail and offices.

1 (a) The county commission of every county, at the expense of the county, shall provide at
2 the county seat thereof a suitable courthouse and jail, together with suitable offices for the judge
3 of the circuit court and judges of courts of limited jurisdiction, clerks of circuit courts, courts of
4 limited jurisdiction and of the county commission, assessor, sheriff, prosecuting attorney, county
5 superintendent of schools, and surveyor, and all other offices as are or may be required by law.
6 *Provided*, That the

7 **(b)** The courthouse, including any annex or other facility housing the courts and offices
8 herein set out (excepting all facilities that are on a 24-hour basis), shall be open to the public
9 Monday through Friday during the hours prescribed by the county commission by an order duly
10 recorded in the order book of the commission.

11 **(1)** The county commission in such order may, in its discretion, provide that the
12 courthouse, including any annex or other facility housing the courts and offices herein set out, be
13 open on Saturday and prescribe the hours during which it shall be open. ~~In no case may the~~
14 ~~county commission provide that the courthouse, including any annex or other facility housing the~~
15 ~~courts and offices herein set out, be open for business on Sundays or national or state holidays:~~
16 ~~Provided, however, That the~~

17 **(2)** On Monday through Friday, a courthouse may only be closed on a legal holiday as
18 defined in §2-2-1 of this code or on a weather or other emergency day or a day of local significance
19 as provided in §2-2-2 of this code.

20 **(c)** The county commission of every county having a population in excess of 200,000 may
21 provide at the county seat or elsewhere in the county, as the county commission shall determine,
22 a suitable jail or jails. ~~Provided further, That the~~

23 **(d)** The county commission of any county, regardless of population, may, as provided in
24 §8-23-1 et seq. of this code, contract with the county commissions of one or more other counties
25 within this state for the erection, construction, equipment, leasing, and renting of a regional
26 correctional center for either adult or youth offenders, at a location mutually agreeable to the
27 contracting parties and not necessarily at the county seat, which will serve each county entering
28 into the contract.

29 **(e)** The county commission shall keep the courthouse, jail and other offices in constant
30 and adequate repair, and supplied with the necessary heat, light, furniture, record books, and
31 janitor service, and, except as to the office for the judge of the circuit court, with the necessary
32 stationery and postage, and other things as shall be necessary; but all of the public records, books

33 and papers belonging or appertaining to the county surveyor's office shall be delivered to the clerk
34 of the county commission and retained by him or her in his or her official possession and under
35 his or her control and shall constitute a part of the public records, books and papers of his or her
36 office.

37 (f) All courthouses, jails and offices hereafter erected shall be built of stone and brick, or
38 stone or brick, or other equally fireproof materials, and the offices shall be fireproof or be furnished
39 with fireproof vaults or safes.

40 (g) The jails shall be well secured, and sufficient for the convenient accommodation of
41 those who may be confined therein.

42 (h) The county commission may also provide other necessary offices and buildings, and
43 may, by purchase or otherwise, acquire as much land as may be requisite or desirable for county
44 purposes, and may suitably enclose, improve and embellish the lands so acquired.

45 (i) Subject to the conditions hereinabove set forth with respect to the site of the courthouse,
46 jail, and other offices, the commission may, from time to time, as may seem to it proper, provide,
47 at the expense of the county, a new or other building or buildings to be used for the courthouse
48 and jail, or for either, together with suitable offices, as aforesaid, and for that purpose may acquire,
49 by purchase or otherwise, and hold any lands, or lands and buildings, which may be necessary,
50 and may enclose, improve and embellish the same.

51 (1) When any new or other building or buildings shall be ready for occupancy, the county
52 commission shall make an order declaring that, on a day to be therein named, the new or other
53 building or buildings shall become the courthouse, or jail, or both the courthouse and jail of the
54 county, and shall cause copies of the order to be posted at the front door of the new as well as of
55 the old courthouse, at least 20 days before the day named in the order; and on and after the day
56 named the new or other building or buildings shall become, respectively, the courthouse, or jail,
57 or both the courthouse and jail of the county in all respects and for all purposes.

58 (2) After the change shall have been made the county commission may sell or otherwise
59 dispose of, as may seem to it proper, the building or buildings previously used as a courthouse
60 and jail, or either, and the land on which they are, or either is, situated, and of the interest of the
61 county therein.

62 (i) Notwithstanding any other provision of this code to the contrary, any county commission
63 providing and maintaining a jail on the effective date of this article shall not be required to provide
64 and maintain a jail after a regional jail becomes available pursuant to the provisions of article
65 twenty, chapter thirty-one of this code, unless the county commission determines that such a
66 facility is necessary: *Provided*, That such county commission may provide and maintain a holding
67 facility which complies with the standards set forth for such holding facilities in legislative rules
68 promulgated by the jail and correctional facility standards commission or its predecessor, the jail
69 and prison standards commission.