



Patrick Morrissey
Office of the Governor

April 1, 2026

VIA HAND DELIVERY

The Honorable Kris Warner
Secretary of State of West Virginia
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute House Bill 4893

Dear Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute House Bill 4893. This bill modifies the penalties for contempt of magistrate court by increasing the potential fines and requiring the completion of community service for two offenses.

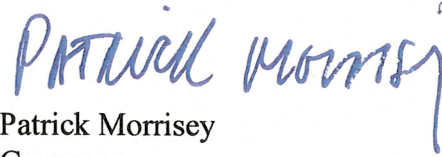
The bill also amends West Virginia Code § 61-5-26 by raising the threshold for when a jury trial is required before a fine may be imposed against a person for contempt. However, the West Virginia Supreme Court of Appeals has held that “[a]ny reading of West Virginia § 61-5-26 that authorizes summary proceedings in indirect criminal contempt cases . . . is impermissible.” *State ex rel. Dilly v. Hall*, 250 W. Va. 155, 169, 902 S.E.2d 487, 501 (2024). While the right to a jury trial is triggered when the allegation is indirect criminal contempt, *see*, syl. pts. 10 and 12, *Id.*, or when a court imposes any “serious criminal contempt penalty as defined by the Sixth Amendment to the United States Constitution,” *Id.* at 170, 902 S.E.2d at 502, the bill before me does not recognize either principle, and instead, perpetuates language which limits the right to a jury trial based on the penalty. Although *Dilly* does not render West Virginia Code § 61-5-26 *per se* unconstitutional, it is inappropriate to reenact a statute which contains language that the Court has previously found to violate the constitutional rights of individuals, when applied in certain circumstances. This is a fatal flaw that I simply cannot ignore.

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As a result of these issues, I hereby disapprove and return the Enrolled Committee Substitute House Bill 4893.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrissey". The signature is written in a cursive style with a prominent initial "P".

Patrick Morrissey
Governor

cc: The Honorable Randy Smith,
President of the Senate

The Honorable Roger Hanshaw
Speaker of the House of Delegates