



Patrick Morrisey
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 for Senate Bill 558

Dear Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 558 with the following objections:

Ensuring our children are safe while trying to get to school is a paramount concern. However, I must disapprove of this bill because it contains a fatal flaw. As drafted, the crime of first offense aggravated passing of a school bus is a misdemeanor and carries a penalty of a fine of \$1,500 to \$3,000 and a mandatory 48 hours in jail, up to 6 months. *See* 87th Reg. Leg. Sess. S.B. 558, p.4 (Mar. 14, 2026). A third offense within a 10-year period carries a fine of not less than \$5,000 and a term of incarceration of 1-5 years, with a minimum of 30 days to be served before “eligible for a suspended or deferred sentence.” *Id.*

The technical problem with this bill is in the penalty for the second offense within a 5-year period. It carries no maximum penalty and is not delineated as a misdemeanor or felony. *Id.* As drafted, the crime of second offense carries a fine of not less than \$3,000 nor more than \$4,000 and jailtime of “not less than seven consecutive days.” *Id.* This penalty would subject someone to any level up to life imprisonment. It appears that the top of the sentencing range was inadvertently omitted. Thus, it is likely that the intent of the Legislature was to cap the confinement period at 1 year to keep second offense as a misdemeanor. However, the bill does not state whether second offense is a misdemeanor or felony. *See* W. Va. Code § 61-11-1 (“Offenses are either felonies or misdemeanors. Such offenses as are punishable by confinement in the penitentiary are felonies; all other offenses are misdemeanors.”). Because a person could conceivably be given a

April 1, 2026

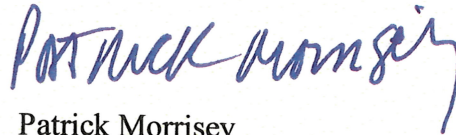
Page 2

life sentence, it may be a felony. However, if the Legislature intended the sentence to be seven days to one year, it would be classified as a misdemeanor. Because criminal statutes are subject to rigorous scrutiny by the Courts, I cannot sign this bill unless this flaw is addressed.

Additionally, with some exceptions involving our most serious crimes, most sentences pronounced by a court can be suspended. *See* W. Va. Code § 62-12-2. I fear the mandatory jail time in this bill will increase the jail bill for our counties. However, I would support similar legislation in the future if it included appropriate penalties and fixed the technical flaw.

As a result of these issues, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 558.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrissey". The signature is written in a cursive, flowing style.

Patrick Morrissey
Governor

cc: The Honorable Randy Smith,
President of the Senate

The Honorable Roger Hanshaw
Speaker of the House of Delegates