

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 3105**

5 (By Delegates Lawrence, Smith, Ellem, Ferro, Pino, M. Poling and
6 D. Campbell)

7
8 [Passed March 12, 2011; in effect ninety days from passage.]

9
10 AN ACT to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §55-7-26, relating to
12 immunity from civil and criminal liability for first
13 responders who use forced entry in response to a 911 call.

14 *Be it enacted by the Legislature of West Virginia:*

15 That the Code of West Virginia, 1931, as amended, be amended
16 by adding thereto a new section, designated §55-7-26, to read as
17 follows:

18 **ARTICLE 7. ACTIONS FOR INJURIES.**

19 **§55-7-26. First responders who use forced entry in response to 911**
20 **call; limited immunity from civil and criminal**
21 **liability.**

22 (a) "First responder" includes: law-enforcement officers,
23 firefighters, emergency medical services personnel and others that
24 respond to calls for emergency medical assistance.

25 (b) Neither a first responder nor his or her supervisor,
26 agency, employer or supervising entity is liable for any civil
27 damages or criminal liability resulting from a forcible entry of a
28 home, business or other structure if the first responder:

1 (1) Is responding to a documented 911 call for emergency
2 medical assistance;

3 (2) Has made reasonable efforts to summon an occupant of the
4 home, business, or structure by knocking or otherwise notifying the
5 occupant(s) of his or her presence;

6 (3) Has not received a response from an occupant within a
7 reasonable period of time; and

8 (4) Has a good faith belief that it is necessary to make a
9 forcible entry for the purposes of rendering emergency medical
10 assistance or preventing imminent bodily harm.

11 (c) Nothing in this section shall affect the standard of care
12 a first responder must employ when rendering aid after gaining
13 entry.