

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 3105**

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

6
7 (Originating in the Committee on the Judiciary)

8 [February 23, 2011]

9
10 A BILL 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) a first responder is not liable for any civil damages or
26 criminal liability resulting from a forcible entry of a home,
27 business or other structure if the first responder:

28 (1) is responding to a documented 911 call for emergency

1 medical assistance;

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

5 (3) has not received a response from an occupant within a
6 reasonable period of time, and;

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

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