

1 **H. B. 2840**

2
3 (By Delegates Overington, Carmichael, Sobonya
4 and Sumner)

5
6 [Introduced January 25, 2011; referred to the
7 Committee on the Judiciary.]

8
9
10 A BILL to amend and reenact §61-6-21 of the Code of West Virginia,
11 1931, as amended, relating to providing that all persons have
12 the right to be free from violence without regard to the
13 motivation behind the violence.

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

15 That §61-6-21 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 6. CRIMES AGAINST THE PEACE.**

18 **§61-6-21. Prohibiting violations of an individual's civil rights;**
19 **penalties.**

20 ~~(a) All persons within the boundaries of the State of West~~
21 ~~Virginia have the right to be free from any violence, or~~
22 ~~intimidation by threat of violence, committed against their persons~~
23 ~~or property. because of their race, color, religion, ancestry,~~
24 ~~national origin, political affiliation or sex. Therefore, the~~
25 punishments called for in this chapter should be vigorously

1 enforced to ensure the protection of all persons from violence
2 against their person or property.

3 ~~(b) If any person does by force or threat of force, willfully~~
4 ~~injure, intimidate or interfere with, or attempt to injure,~~
5 ~~intimidate or interfere with, or oppress or threaten any other~~
6 ~~person in the free exercise or enjoyment of any right or privilege~~
7 ~~secured to him or her by the Constitution or laws of the State of~~
8 ~~West Virginia or by the Constitution or laws of the United States,~~
9 ~~because of such other person's race, color, religion, ancestry,~~
10 ~~national origin, political affiliation or sex, he or she shall be~~
11 ~~guilty of a felony, and, upon conviction, shall be fined not more~~
12 ~~than five thousand dollars or imprisoned not more than ten years,~~
13 ~~or both.~~

14 ~~(c) If any person conspires with another person or persons to~~
15 ~~willfully injure, oppress, threaten, or intimidate or interfere~~
16 ~~with any citizen because of such other person's race, color,~~
17 ~~religion, ancestry, national origin, political affiliation or sex~~
18 ~~in the free exercise or enjoyment of any right or privilege secured~~
19 ~~to him or her by the Constitution or laws of the State of West~~
20 ~~Virginia or by the Constitution or laws of the United States, and~~
21 ~~in willfull furtherance thereof to assemble with one or more~~
22 ~~persons for the purpose of teaching any technique or means capable~~
23 ~~of causing property damage, bodily injury or death when such person~~
24 ~~or persons intend to employ such techniques or means to violate~~

1 ~~this section, each such person shall be guilty of a felony, and,~~
2 ~~upon conviction, shall be fined not more than five thousand dollars~~
3 ~~or imprisoned not more than ten years, or both.~~

4 ~~(d) The fact that a person committed a felony or misdemeanor,~~
5 ~~or attempted to commit a felony, because of the victim's race,~~
6 ~~color, religion, ancestry, national origin, political affiliation~~
7 ~~or sex, shall be considered a circumstance in aggravation of any~~
8 ~~crime in imposing sentence.~~

9 ~~(e) Nothing contained in this section makes unlawful the~~
10 ~~teaching of any technique in self-defense.~~

11 ~~(f) Nothing in this section shall be construed so as to make~~
12 ~~it unlawful nor to prohibit nor, in any manner, to impede or to~~
13 ~~interfere with any person in conducting labor union or labor union~~
14 ~~organizing activities.~~

NOTE: The purpose of this bill is to provide that all persons have the right to be free from violence without regard to the motivation behind the violence.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.