

H. B. 3093

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(By Delegates Howell, Hartman, Hall,
R. Phillips, Sobonya, Walker,
Hamilton, Storch and Skaff)

[Introduced February 10, 2011; referred to the
Committee on the Judiciary.]

10 A BILL to amend and reenact §61-6-19 of the Code of West Virginia,
11 1931, as amended, relating to offenses occurring at the State
12 Capitol Complex; carrying of weapons.

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

14 That §61-6-19 of the Code of West Virginia, 1931, as amended,
15 be amended and reenacted to read as follows:

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

17 **§61-6-19. Willful disruption of governmental processes; offenses**
18 **occurring at State Capitol Complex; penalties.**

19 (a) If any person willfully interrupts or molests the orderly
20 and peaceful process of any department, division, agency or branch
21 of state government or of its political subdivisions, he or she is
22 guilty of a misdemeanor and, upon conviction thereof, shall be
23 fined not more than \$100, or imprisoned in jail not more than six
24 months, or both fined and imprisoned: *Provided*, That any assembly
25 in a peaceable, lawful and orderly manner for a redress of
26 grievances shall not be a violation of this section.

27 (b) It is unlawful for any person to bring upon the State

1 Capitol Complex any weapon as defined by the provisions of section
2 two, article seven of this chapter. It is unlawful for any person
3 to willfully deface any trees, wall, floor, stairs, ceiling,
4 column, statue, monument, structure, surface, artwork or adornment
5 in the State Capitol Complex. It is unlawful for any person or
6 persons to willfully block or otherwise willfully obstruct any
7 public access, stair or elevator in the State Capitol Complex after
8 being asked by a law-enforcement officer acting in his or her
9 official capacity to desist. ~~Provided, That~~ In order to preserve
10 the constitutional right of the people to assemble, it is not
11 willful blocking or willful obstruction for persons gathered in a
12 group or crowd, if the persons move to the side or part to allow
13 other persons to pass by the group or crowd to gain ingress or
14 egress. ~~Provided, however, That~~ This subsection ~~shall~~ does not
15 apply to a law-enforcement officer acting in his or her official
16 capacity. This subsection does not apply to any constitutional
17 officer, nor any state employee who is licensed to carry a
18 concealed weapon pursuant to section four, article seven, chapter
19 sixty-one of this code, and, who is not prohibited at the time from
20 possessing a firearm pursuant to the provisions of section seven,
21 article seven, chapter sixty-one of this code.

22 Any person who violates any provision of this subsection is
23 guilty of a misdemeanor and, upon conviction thereof, shall be
24 fined not less than \$100 or confined in jail not more than six
25 months, or both.

NOTE: The purpose of this bill is to clarify language relating to offenses occurring at the State Capitol.

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