

COMMITTEE SUBSTITUTE

FOR

## **H. B. 3105**

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(BY DELEGATES LAWRENCE, SMITH, ELLEM, FERRO, PINO,  
M. POLING AND D. CAMPBELL)

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(Originating in the Committee on the Judiciary)  
[February 23, 2011]

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

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

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

**ARTICLE 7. ACTIONS FOR INJURIES.**

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

1           (a) “First responder” includes: law-enforcement officers,  
2           firefighters, emergency medical services personnel and  
3           others that respond to calls for emergency medical assistance.

4           (b) A first responder is not liable for any civil damages or  
5           criminal liability resulting from a forcible entry of a home,  
6           business or other structure if the first responder:

7           (1) is responding to a documented 911 call for emergency  
8           medical assistance;

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

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

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

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