

2 The Committee on the Judiciary moves to amend the bill on page
3 one, following the enacting clause, by striking out the remainder
4 of the bill and inserting in lieu thereof the following language:

5 **"ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.**

6 **§61-5-17. Obstructing officer; fleeing from officer; making false**
7 **statements to officer; interfering with emergency**
8 **communications; penalties; definitions.**

9 (a) ~~Any~~ A person who by threats, menaces, acts or otherwise
10 forcibly or illegally hinders or obstructs or attempts to hinder or
11 obstruct ~~any~~ a law-enforcement officer, probation officer or parole
12 officer acting in his or her official capacity is guilty of a
13 misdemeanor and, upon conviction thereof, shall be fined not less
14 than \$50 nor more than \$500 or confined in jail not more than one
15 year, or both fined and confined.

16 (b) ~~Any~~ A person who intentionally disarms or attempts to
17 disarm ~~any~~ a law-enforcement officer, correctional officer,
18 probation officer or parole officer, acting in his or her official
19 capacity, is guilty of a felony and, upon conviction thereof, shall
20 be imprisoned in a state correctional facility not less than one
21 nor more than five years.

22 (c) ~~Any~~ A person who, with intent to impede or obstruct a
23 law-enforcement officer in the conduct of an investigation of a
24 felony offense, knowingly and willfully makes a materially false
25 statement, is guilty of a misdemeanor and, upon conviction thereof,

1 shall be fined not less than \$25 ~~and not~~ nor more than \$200, or
2 confined in jail for five days, or both fined and confined.
3 ~~However,~~ The provisions of this section do not apply to statements
4 made by a spouse, parent, stepparent, grandparent, sibling, half
5 sibling, child, stepchild or grandchild, whether related by blood
6 or marriage, of the person under investigation. Statements made by
7 the person under investigation may not be used as the basis for
8 prosecution under this subsection. For ~~the~~ purposes of this
9 subsection, "law-enforcement officer" does not include a watchman,
10 a member of the West Virginia State Police or college security
11 personnel who is not a certified law-enforcement officer.

12 (d) ~~Any~~ A person who intentionally flees or attempts to flee
13 by any means other than the use of a vehicle from ~~any~~ a
14 law-enforcement officer, probation officer or parole officer acting
15 in his or her official capacity who is attempting to make a lawful
16 arrest of the person, and who knows or reasonably believes that the
17 officer is attempting to arrest him or her, is guilty of a
18 misdemeanor and, upon conviction thereof, shall be fined not less
19 than \$50 nor more than \$500 or confined in jail not more than one
20 year, or both.

21 (e) ~~Any~~ A person who intentionally flees or attempts to flee
22 in a vehicle from ~~any~~ a law-enforcement officer, probation officer
23 or parole officer acting in his or her official capacity after the
24 officer has given a clear visual or audible signal directing the
25 person to stop is guilty of a misdemeanor and, upon conviction
26 thereof, shall be fined not less than \$500 nor more than \$1,000 and

1 shall be confined in a regional jail not more than one year.

2 (f) ~~Any~~ A person who intentionally flees or attempts to flee
3 in a vehicle from ~~any~~ a law-enforcement officer, probation officer
4 or parole officer acting in his or her official capacity after the
5 officer has given a clear visual or audible signal directing the
6 person to stop, and who operates the vehicle in a manner showing a
7 reckless indifference to the safety of others, is guilty of a
8 felony and, upon conviction thereof, shall be fined not less than
9 \$1,000 nor more than \$2,000, and shall be imprisoned in a state
10 correctional facility not less than one nor more than five years.

11 (g) ~~Any~~ A person who intentionally flees or attempts to flee
12 in a vehicle from ~~any~~ a law-enforcement officer, probation officer
13 or parole officer acting in his or her official capacity after the
14 officer has given a clear visual or audible signal directing the
15 person to stop, and who causes damage to the real or personal
16 property of ~~any~~ a person during or resulting from his or her
17 flight, is guilty of a misdemeanor and, upon conviction thereof,
18 shall be fined not less than \$1,000 nor more than \$3,000 and shall
19 be confined in ~~the county or regional~~ jail for not less than six
20 months nor more than one year.

21 (h) ~~Any~~ A person who intentionally flees or attempts to flee
22 in a vehicle from ~~any~~ a law-enforcement officer, probation officer
23 or parole officer acting in his or her official capacity after the
24 officer has given a clear visual or audible signal directing the
25 person to stop, and who causes bodily injury to ~~any~~ a person during
26 or resulting from his or her flight, is guilty of a felony and,

1 upon conviction thereof, shall be imprisoned in a state
2 correctional facility not less than three nor more than ten years.

3 (i) ~~Any~~ A person who intentionally flees or attempts to flee
4 in a vehicle from ~~any~~ a law-enforcement officer, probation officer
5 or parole officer acting in his or her official capacity after the
6 officer has given a clear visual or audible signal directing the
7 person to stop, and who causes death to ~~any~~ a person during or
8 resulting from his or her flight, is guilty of a felony and, upon
9 conviction thereof, shall be ~~punished by a definite term of~~
10 ~~imprisonment~~ imprisoned in a state correctional facility ~~which is~~
11 for not less than five nor more than fifteen years. A person
12 imprisoned pursuant to the provisions of this subsection is not
13 eligible for parole prior to having served a minimum of three years
14 of his or her sentence or the minimum period required by the
15 provisions of section thirteen, article twelve, chapter sixty-two
16 of this code, whichever is greater.

17 (j) ~~Any~~ A person who intentionally flees or attempts to flee
18 in a vehicle from ~~any~~ a law-enforcement officer, probation officer
19 or parole officer acting in his or her official capacity after the
20 officer has given a clear visual or audible signal directing the
21 person to stop, and who is under the influence of alcohol,
22 controlled substances or drugs, ~~at the time,~~ is guilty of a felony
23 and, upon conviction thereof, shall be imprisoned in a state
24 correctional facility not less than three nor more than ten years.

25 (k) For purposes of this section, the term "vehicle" includes
26 any motor vehicle, motorcycle, motorboat, all-terrain vehicle or

1 snowmobile as those terms are defined in section one, article one,
2 chapter seventeen-a of this code, whether or not it is being
3 operated on a public highway at the time and whether or not it is
4 licensed by the state.

5 (1) For purposes of this section, the terms "flee", "fleeing"
6 and "flight" do not include ~~any~~ a person's reasonable attempt to
7 travel to a safe place, allowing the pursuing law-enforcement
8 officer to maintain appropriate surveillance, for the purpose of
9 complying with the officer's direction to stop.

10 (m) The revisions to subsections (e), (f), (g) and (h) of this
11 section enacted during the regular session of the 2010 regular
12 legislative session shall be known as the Jerry Alan Jones Act.

13 (n) (1) No person, with the intent to purposefully deprive a
14 person of emergency services, may interfere with or prevent a
15 person who has a legitimate good faith need for emergency services
16 from using or accessing a 911 emergency telephone system or making
17 a report to a law-enforcement officer, to an agency, to a fire
18 department or from requesting emergency medical assistance.

19 (2) For the purpose of this subsection, the term "interfere
20 with or prevent" includes, but is not limited to, seizing,
21 concealing, obstructing access to or disabling or disconnecting a
22 telephone, telephone line or equipment, emergency communication, or
23 other communication device.

24 (3) For the purpose of this subsection, the term "emergency
25 communication" means any means of communication that allows the
26 transmission of warnings or other information pertaining to a

1 crime, fire, accident, power outage, disaster or risk of injury or
2 damage to a person or property including, but not limited to,
3 telephone lines, cellular telephone towers and equipment, radio
4 channels, railroad communication devices, electrical towers and
5 equipment and utility lines.

6 (4) A person who violates a provision of this subsection is
7 guilty of a misdemeanor and, upon conviction thereof, shall be
8 confined in jail for a period of not less than one day nor more
9 than one year and shall be fined not less than \$250 nor more than
10 \$2,000, or both confined and fined.

11 (5) A person who is convicted of a second offense under this
12 subsection is guilty of a misdemeanor and, upon conviction thereof,
13 shall be confined in jail for not less than three months nor more
14 than one year and fined not less than \$500 nor more than \$3,000, or
15 both confined and fined.

16 (6) A person who is convicted of a third or subsequent offense
17 under this subsection ~~within ten years of a prior conviction of~~
18 ~~this offense~~ is guilty of a misdemeanor and, upon conviction
19 thereof, shall be confined in jail not less than six months nor
20 more than one year and fined not less than \$500 nor more than
21 \$4,000, or both confined and fined.

22 (7) In determining the number of prior convictions for
23 purposes of imposing punishment under this section, the court shall
24 disregard all such convictions occurring more than ten years prior
to the offense in question."