

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4309**

4
5 (By Delegates R. Phillips, Hartman, Eldridge, Marcum, White,
6 Barker, Tomblin, Craig, Sponaugle, Diserio and Moore)

7 (Originating in the Committee on the Judiciary)

8 [February 12, 2014]

9
10 A BILL to amend and reenact §61-6-19 of the Code of West Virginia,
11 1931, as amended, relating to permitting a person to keep a
12 firearm in his or her motor vehicle upon the grounds of the
13 State Capitol Complex if the vehicle is locked and the firearm
14 is out of normal view.

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

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

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

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

21 (a) If any person willfully interrupts or molests the orderly
22 and peaceful process of any department, division, agency or branch
23 of state government or of its political subdivisions, he or she is
24 guilty of a misdemeanor and, upon conviction thereof, shall be
25 fined not more than \$100, or ~~imprisoned in the county or regional~~
26 confined in jail not more than six months, or both fined and

1 ~~imprisoned~~ confined: *Provided*, That any assembly in a peaceable,
2 lawful and orderly manner for a redress of grievances shall not be
3 a violation of this section.

4 (b) It is unlawful for any person to bring upon the State
5 Capitol Complex any weapon as defined by ~~the provisions of~~ section
6 two, article seven of this chapter. However, a person may keep a
7 firearm in his or her motor vehicle upon the State Capitol Complex
8 if the vehicle is locked and the firearm is out of normal view. It
9 is unlawful for any person to willfully deface any trees, wall,
10 floor, stairs, ceiling, column, statue, monument, structure,
11 surface, artwork or adornment in the State Capitol Complex. It is
12 unlawful for any person or persons to willfully block or otherwise
13 willfully obstruct any public access, stair or elevator in the
14 State Capitol Complex after being asked by a law-enforcement
15 officer acting in his or her official capacity to desist:
16 *Provided*, That in order to preserve the Constitutional right of the
17 people to assemble, it is not willful blocking or willful
18 obstruction for persons gathered in a group or crowd, if the
19 persons move to the side or part to allow other persons to pass by
20 the group or crowd to gain ingress or egress: *Provided, however,*
21 That this subsection ~~shall~~ does not apply to a law-enforcement
22 officer acting in his or her official capacity.

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

NOTE: The purpose of this bill is to permit a person to keep a firearm in his or her motor vehicle upon the grounds of the State Capitol Complex if the vehicle is locked and the firearm is out of normal view.

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