

E N R O L L E D

**H. B. 2607**

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(BY DELEGATE(S) SPONAUGLE AND SHOTT)

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[Passed March 14, 2015;  
in effect ninety days from passage.]

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AN ACT to amend and reenact §61-5-17 of the Code of West Virginia, 1931, relating to the violation of interfering with emergency services communications and clarifying penalties under subdivision (n) of this section for the violation.

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

That §61-5-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

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

- 1 (a) A person who by threats, menaces, acts or otherwise
- 2 forcibly or illegally hinders or obstructs or attempts to hinder or
- 3 obstruct a law-enforcement officer, probation officer or parole

4 officer acting in his or her official capacity is guilty of a  
5 misdemeanor and, upon conviction thereof, shall be fined not  
6 less than \$50 nor more than \$500 or confined in jail not more  
7 than one year, or both fined and confined.

8 (b) A person who intentionally disarms or attempts to disarm  
9 a law-enforcement officer, correctional officer, probation officer  
10 or parole officer, acting in his or her official capacity, is guilty  
11 of a felony and, upon conviction thereof, shall be imprisoned in  
12 a state correctional facility not less than one nor more than five  
13 years.

14 (c) A person who, with intent to impede or obstruct a  
15 law-enforcement officer in the conduct of an investigation of a  
16 felony offense, knowingly and willfully makes a materially false  
17 statement is guilty of a misdemeanor and, upon conviction  
18 thereof, shall be fined not less than \$25 nor more than \$200, or  
19 confined in jail for five days, or both fined and confined. The  
20 provisions of this section do not apply to statements made by a  
21 spouse, parent, stepparent, grandparent, sibling, half sibling,  
22 child, stepchild or grandchild, whether related by blood or  
23 marriage, of the person under investigation. Statements made by  
24 the person under investigation may not be used as the basis for  
25 prosecution under this subsection. For purposes of this  
26 subsection, "law-enforcement officer" does not include a  
27 watchman, a member of the West Virginia State Police or  
28 college security personnel who is not a certified  
29 law-enforcement officer.

30 (d) A person who intentionally flees or attempts to flee by  
31 any means other than the use of a vehicle from a  
32 law-enforcement officer, probation officer or parole officer  
33 acting in his or her official capacity who is attempting to make  
34 a lawful arrest of the person, and who knows or reasonably  
35 believes that the officer is attempting to arrest him or her, is  
36 guilty of a misdemeanor and, upon conviction thereof, shall be

37 fined not less than \$50 nor more than \$500 or confined in jail not  
38 more than one year, or both fined and confined.

39 (e) A person who intentionally flees or attempts to flee in a  
40 vehicle from a law-enforcement officer, probation officer or  
41 parole officer acting in his or her official capacity after the  
42 officer has given a clear visual or audible signal directing the  
43 person to stop is guilty of a misdemeanor and, upon conviction  
44 thereof, shall be fined not less than \$500 nor more than \$1,000  
45 and shall be confined in jail not more than one year.

46 (f) A person who intentionally flees or attempts to flee in a  
47 vehicle from a law-enforcement officer, probation officer or  
48 parole officer acting in his or her official capacity after the  
49 officer has given a clear visual or audible signal directing the  
50 person to stop, and who operates the vehicle in a manner  
51 showing a reckless indifference to the safety of others, is guilty  
52 of a felony and, upon conviction thereof, shall be fined not less  
53 than \$1,000 nor more than \$2,000 and shall be imprisoned in a  
54 state correctional facility not less than one nor more than five  
55 years.

56 (g) A person who intentionally flees or attempts to flee in a  
57 vehicle from a law-enforcement officer, probation officer or  
58 parole officer acting in his or her official capacity after the  
59 officer has given a clear visual or audible signal directing the  
60 person to stop, and who causes damage to the real or personal  
61 property of a person during or resulting from his or her flight, is  
62 guilty of a misdemeanor and, upon conviction thereof, shall be  
63 fined not less than \$1,000 nor more than \$3,000 and shall be  
64 confined in jail for not less than six months nor more than one  
65 year.

66 (h) A person who intentionally flees or attempts to flee in a  
67 vehicle from a law-enforcement officer, probation officer or  
68 parole officer acting in his or her official capacity after the

69 officer has given a clear visual or audible signal directing the  
70 person to stop, and who causes bodily injury to a person during  
71 or resulting from his or her flight, is guilty of a felony and, upon  
72 conviction thereof, shall be imprisoned in a state correctional  
73 facility not less than three nor more than ten years.

74 (i) A person who intentionally flees or attempts to flee in a  
75 vehicle from a law-enforcement officer, probation officer or  
76 parole officer acting in his or her official capacity after the  
77 officer has given a clear visual or audible signal directing the  
78 person to stop, and who causes death to a person during or  
79 resulting from his or her flight, is guilty of a felony and, upon  
80 conviction thereof, shall be imprisoned in a state correctional  
81 facility for not less than five nor more than fifteen years. A  
82 person imprisoned pursuant to this subsection is not eligible for  
83 parole prior to having served a minimum of three years of his or  
84 her sentence or the minimum period required by section thirteen,  
85 article twelve, chapter sixty-two of this code, whichever is  
86 greater.

87 (j) A person who intentionally flees or attempts to flee in a  
88 vehicle from a law-enforcement officer, probation officer or  
89 parole officer acting in his or her official capacity after the  
90 officer has given a clear visual or audible signal directing the  
91 person to stop, and who is under the influence of alcohol,  
92 controlled substances or drugs, is guilty of a felony and, upon  
93 conviction thereof, shall be imprisoned in a state correctional  
94 facility not less than three nor more than ten years.

95 (k) For purposes of this section, the term “vehicle” includes  
96 any motor vehicle, motorcycle, motorboat, all-terrain vehicle or  
97 snowmobile as those terms are defined in section one, article  
98 one, chapter seventeen-a of this code, whether or not it is being  
99 operated on a public highway at the time and whether or not it is  
100 licensed by the state.

101 (l) For purposes of this section, the terms “flee”, “fleeing”  
102 and “flight” do not include a person’s reasonable attempt to  
103 travel to a safe place, allowing the pursuing law-enforcement  
104 officer to maintain appropriate surveillance, for the purpose of  
105 complying with the officer’s direction to stop.

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

109 (n) (1) No person, with the intent to purposefully deprive  
110 another person of emergency services, may interfere with or  
111 prevent another person from making an emergency  
112 communication, which a reasonable person would consider  
113 necessary under the circumstances, to law-enforcement, fire, or  
114 emergency medical service personnel.

115 (2) For the purpose of this subsection, the term “interfere  
116 with or prevent” includes, but is not limited to, seizing,  
117 concealing, obstructing access to or disabling or disconnecting  
118 a telephone, telephone line or equipment or other communication  
119 device.

120 (3) For the purpose of this subsection, the term “emergency  
121 communication” means communication to transmit warnings or  
122 other information pertaining to a crime, fire, accident, power  
123 outage, disaster or risk of injury or damage to a person or  
124 property.

125 (4) A person who violates this subsection is guilty of a  
126 misdemeanor and, upon conviction thereof, shall be confined in  
127 jail for a period of not less than one day nor more than one year  
128 or shall be fined not less than \$250 nor more than \$2,000, or  
129 both fined and confined.

130 (5) A person who is convicted of a second offense under this  
131 subsection is guilty of a misdemeanor and, upon conviction

132 thereof, shall be confined in jail for not less than three months  
133 nor more than one year or fined not less than \$500 nor more than  
134 \$3,000, or both fined and confined.

135 (6) A person who is convicted of a third or subsequent  
136 offense under this subsection is guilty of a misdemeanor and,  
137 upon conviction thereof, shall be confined in jail not less than six  
138 months nor more than one year or fined not less than \$500 nor  
139 more than \$4,000, or both fined and confined.

140 (7) In determining the number of prior convictions for  
141 purposes of imposing punishment under this subsection, the  
142 court shall disregard all such prior convictions occurring more  
143 than ten years prior to the offense in question.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2015.

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*Governor*

