

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4212

BY DELEGATES MARCUM, R. MILLER, HICKS, ELDRIDGE,
THOMPSON, ISNER, PHILLIPS, HOLLEN, E. EVANS,
RODIGHERO

[Introduced January 19, 2018; Referred
to the Committee on the Judiciary then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §61-6-21a, relating to requiring a minimum criminal penalty of life
 3 imprisonment upon conviction of first degree murder, second degree murder, or voluntary
 4 manslaughter if the convicted individual selected the victim of such crime based on the
 5 victim’s actual or perceived employment as a law-enforcement officer.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-21a. Intentional Killing Based on Status as Law- Enforcement Officer; Penalty.

1 (a) Purpose. --

2 The Legislature finds that it is of paramount importance to protect the brave men and
 3 women that defend our communities from bias-motivated violence and that the killing of an
 4 individual based on his or her status as a law-enforcement officer constitutes a hate crime.

5 (b) For the purposes of this section, “law-enforcement officer” means an individual
 6 employed or otherwise engaged in either a public or private position which involves the rendition
 7 of services relating to enforcement of federal, state or local laws for the protection of public or
 8 private safety, including, but not limited to, positions as deputy sheriffs, police officers, marshals,
 9 bailiffs, court security officers or any other law-enforcement position which requires certification.

10 (c) Any person who intentionally selects the victim of one of the following crimes because
 11 of actual or perceived employment as a law-enforcement officer shall, upon conviction thereof, be
 12 imprisoned in a state correctional facility for life:

13 (1) First degree murder;

14 (2) Second degree murder; or

15 (3) Voluntary manslaughter.

NOTE: The purpose of this bill is to require a minimum criminal penalty of life imprisonment upon conviction of first degree murder, second degree murder, or voluntary manslaughter if the convicted party selected the victim of such crime based on the victim’s actual or

perceived employment as a law-enforcement officer.

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