

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4618**

BY DELEGATES SHOTT AND HANSHAW

[Introduced February 13, 2018; Referred  
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §61-6-1 of the Code of West Virginia, 1931, as amended, relating  
 2 to the authority of the Division of Protective Services to compel dispersal of an unlawful  
 3 assemblage.

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

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

**§61-6-1. Suppression of riots and unlawful assemblages.**

1 All members of the Department of Public Safety or of the Division of Protective Services,  
 2 all sheriffs within their respective counties and all mayors within their respective jurisdiction, may  
 3 suppress riots, routs and unlawful assemblages. It shall be the duty of each of them to go among,  
 4 or as near as may be with safety, to persons riotously, tumultuously, or unlawfully assembled,  
 5 and in the name of the law command them to disperse; and if they shall not thereupon immediately  
 6 and peaceably disperse, such member of the Department of Public Safety or of the Division of  
 7 Protective Services, sheriff or mayor giving the command, and any other present, shall command  
 8 the assistance of all persons present, and of all or any part of other law-enforcement personnel  
 9 available to him or her, as need be, in arresting and securing those so assembled. If any person  
 10 present, on being required to give his or her assistance, depart, or fail to obey, he or she shall be  
 11 deemed a rioter.

NOTE: The purpose of this bill is to give the Division of Protective Services the authority to compel dispersal of an unlawful assemblage.

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