

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**Introduced**

## **Senate Bill 255**

BY SENATORS RUCKER, TARR, CLINE, SMITH, AND UNGER

[Introduced January 10, 2020; referred  
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §61-6-19a, relating to clarifying that persons 16 years of age and older may  
 3 possess pepper spray on the State Capitol Complex, and in the buildings thereon, solely  
 4 for self-defense purposes; defining terms; and authorizing the Director of the Division of  
 5 Protective Services to temporarily prohibit the possession of pepper spray on the State  
 6 Capitol Complex and in the buildings thereon during designated special events.

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

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

**§61-6-19a. Possession of pepper spray on the State Capitol Complex.**

1 (a) As used in this section, “pepper spray” means a commercially available capsicum-  
 2 based lachrymatory aerosol spray, used for purposes of self-defense.

3 (b) Notwithstanding any provision of this code or state policy to the contrary, a person who  
 4 is 16 years of age or older may possess pepper spray on the State Capitol Complex, and in the  
 5 buildings thereon, solely for purposes of self-defense: *Provided*, That the Director of the Division  
 6 of Protective Services may temporarily prohibit the possession of pepper spray on the State  
 7 Capitol Complex, and in the buildings thereon, during designated special events.

NOTE: The purpose of this bill is to clarify that the possession of pepper spray for self-defense is permitted at the State Capitol Complex under certain circumstances.

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