WEST virginia legislature

2021 regular session

Introduced

House Bill 2360

By Delegates Pushkin, Skaff, Williams, Young, Barach, Rowe, Lovejoy, Walker, and Hansen

[Introduced February 13, 2021; Referred to the Committee on the Judiciary]

A BILL to amend and reenact §61-2-1 and §61-2-2 of the Code of West Virginia, as amended, all relating to modifying the definition of first-degree murder to including the killing of a police officer or corrections officer in the line of duty and adding a mandatory life sentence without the possibility of parole for such a killing, to be known as the “Cassie Johnson Act.”

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. crimes against the person.

§61-2-1. First and second degree murder defined; allegations in indictment for homicide; killing of an officer in the line of duty.

Murder by poison, lying in wait, imprisonment, starving, or by any willful, deliberate and premeditated killing, or in the commission of, or attempt to commit, arson, kidnapping, sexual assault, robbery, burglary, breaking and entering, escape from lawful custody, or a felony offense of manufacturing or delivering a controlled substance as defined in ~~article four, chapter sixty-a~~ 60A-4-1 *et seq*. of this code, is murder of the first degree. All other murder is murder of the second degree.

In an indictment for murder and manslaughter, it shall not be necessary to set forth the manner in which, or the means by which, the death of the deceased was caused, but it shall be sufficient in every such indictment to charge that the defendant did feloniously, willfully, maliciously, deliberately and unlawfully slay, kill and murder the deceased.

A murder of a peace officer or a corrections officer committed while the peace officer or corrections officer is lawfully engaged in the performance of any of his or her duties as a peace officer or corrections officer, knowing that the peace officer or corrections officer is a peace officer or corrections officer engaged in the performance of his or her duty as a peace officer or corrections officer, shall be classified as first-degree murder. This section shall be known as the “Cassie Johnson Act,” in honor of Charleston Patrolwoman Cassie Johnson who was killed in the line of duty.

§61-2-2. Penalty for murder of first degree.

Murder of the first degree shall be punished by confinement in ~~the penitentiary~~ a state correctional facility for life. A person who is found guilty of first-degree murder of a peace officer or corrections officer shall be confined in a state correctional facility for life without eligibility for parole.

NOTE: The purpose of this bill is to modify the definition of first-degree murder to include the killing of a police officer or corrections officer in the line of duty and to add a mandatory life sentence without the possibility of parole.

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