

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 490

By Senators Deeds, Hamilton, Hunt, Jeffries, Karnes,
Maroney, Martin, Phillips, Stuart, Trump Weld,
Woodrum, Plymale, Swope, Roberts, Grady, Nelson,
and Taylor

[Introduced January 27, 2023; 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 §61-5-17a, relating to creating the offense of knowingly and willfully obstructing
 3 a law enforcement officer, probation officer, parole officer, courthouse security officer,
 4 correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or
 5 emergency medical service personnel engaged in their official duties and thereby
 6 proximately causing the death of the person acting in his or her official capacity; and
 7 establishing the penalty therefor.

8 *PREAMBLE: THIS LAW IS DESIGNATED AND MAY BE REFERRED TO AS THE*
 9 *PATROL OFFICER CASSIE MARIE JOHNSON MEMORIAL ACT.*

Be it enacted by the Legislature of West Virginia:

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-5-17a. Willfully obstructing a law enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel causing death; penalty.

1 Notwithstanding any provision of this code to the contrary, any person who knowingly and
 2 willfully obstructs a law enforcement officer, probation officer, parole officer, courthouse security
 3 officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or
 4 emergency medical service personnel lawfully acting in his or her official capacity and thereby
 5 proximately causes the death of a law enforcement officer, probation officer, parole officer,
 6 courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire
 7 marshal, firefighter, or emergency medical service personnel so acting, is guilty of a felony, and
 8 upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate term of
 9 not less than 15 years nor more than life in a state correctional facility .

NOTE: The purpose of this bill is to create the offense of knowingly and willfully obstructing a law enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel engaged in their official duties and thereby proximately causing the death of the person acting in his or her official capacity. The bill establishes the penalty therefor.

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