

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 490

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

[Passed March 06, 2023; in effect 90 days from
passage]

1 AN ACT 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 obstructing a law-enforcement
3 officer, probation officer, parole officer, courthouse security officer, correctional officer, the
4 State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical
5 service personnel causing death; requiring proof of knowingly, willfully and forcibly
6 obstructing or hindering a law enforcement officer, probation officer, parole officer,
7 courthouse security officer, correctional officer, the State Fire Marshal, a deputy or
8 assistant fire marshal, firefighter, or emergency medical service personnel engaged in their
9 official capacity and thereby proximately causing the death of the person acting in his or
10 her official capacity; establishing the criminal penalty therefor as life imprisonment with
11 parole eligibility after service of 15 years; and providing a definition.

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

Be it enacted by the Legislature of West Virginia:

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

§61-5-17a. 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 (a) Notwithstanding any provision of this code to the contrary, any person who knowingly,
2 willfully, and forcibly obstructs or hinders a law-enforcement officer, probation officer, parole
3 officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or
4 assistant fire marshal, firefighter, or emergency medical service personnel lawfully acting in his or
5 her official capacity and thereby proximately causes the death of a law-enforcement officer,

6 probation officer, parole officer, courthouse security officer, correctional officer, the State Fire
7 Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel so
8 acting, is guilty of a felony, and upon conviction thereof, shall be imprisoned in a state correctional
9 facility for a term of 15 years to life.

10 (b) For purposes of this section, "forcibly" means actions which involve the use of physical
11 force.