

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5007

By Delegates Jeffries, Kimble, Householder, Phillips,

Hott, Crouse, Horst, and Linville

[Introduced January 23, 2024; Referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to
 2 clarifying that there is no restriction on the lawful carrying of a deadly weapon, firearm or
 3 pepper spray specifically on sidewalks and streets directly bordering and surrounding the
 4 State Capitol Complex grounds.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-19. Willful disruption of governmental processes; offenses occurring at State Capitol Complex; penalties.

1 (a) If any person willfully interrupts or molests the orderly and peaceful process of any
 2 department, division, agency, or branch of state government or of its political subdivisions, he or
 3 she is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100, or
 4 confined in jail not more than six months, or both fined and confined: *Provided*, That any assembly
 5 in a peaceable, lawful, and orderly manner for a redress of grievances is not a violation of this
 6 section.

7 (b) (1) It is unlawful for any person to bring upon the State Capitol Complex any deadly
 8 weapon as defined in §61-7-2 of this code: *Provided*, That a person who may lawfully possess a
 9 firearm may keep a firearm in his or her motor vehicle upon the State Capitol Complex if the
 10 vehicle is locked and the weapon is out of normal view: *Provided, however*, That a person may not
 11 carry upon the State Capitol Complex, a cannister of pepper spray as defined in §61-7-2 of this
 12 code that exceeds one ounce. It is unlawful for any person to willfully deface any trees, wall, floor,
 13 stairs, ceiling, column, statue, monument, structure, surface, artwork, or adornment in the State
 14 Capitol Complex. It is unlawful for any person or persons to willfully block or otherwise willfully
 15 obstruct any public access, stair, or elevator in the State Capitol Complex after being asked by a
 16 law-enforcement officer acting in his or her official capacity to desist: *Provided further*, That in
 17 order to preserve the constitutional right of the people to assemble, it is not willful blocking or willful

18 obstruction for persons gathered in a group or crowd if the persons move to the side or part to
19 allow other persons to pass by the group or crowd to gain ingress or egress: *And Provided further,*
20 That this subsection does not apply to a law-enforcement officer acting in his or her official
21 capacity: *And Provided further, That this subsection does not apply to the lawful carrying of a*
22 *deadly weapon, firearm or any size container of pepper spray on the sidewalks and streets that*
23 *directly border and surround the State Capitol Complex grounds.*

24 (2) Any person who violates this subsection is guilty of a misdemeanor and, upon
25 conviction thereof, shall be fined not less than \$100, or confined in jail not more than six months, or
26 both fined and confined.

NOTE: The purpose of this bill is to clarify that it is legal to carry a deadly weapon, firearm, or pepper spray specifically on the sidewalks and streets that directly border and surround the State Capitol Complex grounds.

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