

1 **H. B. 4503**

2
3 (By Delegates Savilla, Householder, Sobonya,
4 Gearheart and Ellington)

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6 [Introduced February 13, 2012; referred to the
7 Committee on the Judiciary.]

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10 A BILL to amend and reenact §61-6-19 of the Code of West Virginia,
11 1931, as amended, relating to crimes against the peace;
12 offenses occurring at the State Capitol Complex; and providing
13 that certain persons possessing a legal firearm at the State
14 Capitol Complex are not in violation of this section.

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

16 That §61-6-19 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

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

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

21 (a) If any person willfully interrupts or molests the orderly
22 and peaceful process of any department, division, agency or branch
23 of state government or of its political subdivisions, he or she is
24 guilty of a misdemeanor and, upon conviction thereof, shall be
25 fined not more than \$100, or ~~imprisoned~~ confined in the ~~county~~ or

1 ~~regional~~ jail not more than six months, or both fined and
2 ~~imprisoned~~ confined: *Provided*, That any assembly in a peaceable,
3 lawful and orderly manner for a redress of grievances shall not be
4 a violation of this section.

5 (b) It is unlawful for any person to bring upon the State
6 Capitol Complex any weapon as defined by the provisions of section
7 two, article seven of this chapter: *Provided*, That this subsection
8 does not apply to any constitutional officer, any person openly
9 carrying a legal firearm or any person who is licensed to carry a
10 concealed weapon pursuant to section four, article seven, chapter
11 sixty-one of this code and who is not prohibited at the time from
12 possessing a firearm pursuant to the provisions of section seven,
13 article seven, chapter sixty-one of this code. It is unlawful for
14 any person to willfully deface any trees, wall, floor, stairs,
15 ceiling, column, statue, monument, structure, surface, artwork or
16 adornment in the State Capitol Complex. It is unlawful for any
17 person or persons to willfully block or otherwise willfully
18 obstruct any public access, stair or elevator in the State Capitol
19 Complex after being asked by a law-enforcement officer acting in
20 his or her official capacity to desist: *Provided*, That in order to
21 preserve the constitutional right of the people to assemble, it is
22 not willful blocking or willful obstruction for persons gathered in
23 a group or crowd, if the persons move to the side or part to allow
24 other persons to pass by the group or crowd to gain ingress or

1 egress: *Provided, however,* That this subsection shall not apply to
2 a law-enforcement officer acting in his or her official capacity.

3 Any person who violates any provision of this subsection is
4 guilty of a misdemeanor and, upon conviction thereof, shall be
5 fined not less than \$100 or confined in jail not more than six
6 months, or both fined and confined.

NOTE: The purpose of this bill is to clarify that certain persons possessing a legal firearm are not in violation of this section or guilty of an offense of possessing a firearm at the State Capitol Complex.

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