

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4093

BY DELEGATES WAXMAN, C. MARTIN, SYPOLT, PHILLIPS,

HOWELL, BIBBY, GRAVES, HANNA, D. JEFFRIES, HARDY

AND PORTERFIELD

[Introduced January 10, 2020; 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
 2 to criminal acts at the State Capitol; eliminating the prohibition against carrying firearms
 3 on the grounds of the State Capitol Complex.

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,
 4 or confined in jail not more than six months, or both fined and confined: *Provided*, That any
 5 assembly in a peaceable, lawful, and orderly manner for a redress of grievances may not be a
 6 violation of this section.

7 (b) It is unlawful for any person to bring ~~upon the~~ into any State Capitol Complex building
 8 any deadly weapon as defined in §61-7-2 of this code. *Provided*, That a person who may lawfully
 9 possess a firearm may keep a firearm in his or her motor vehicle upon the State Capitol Complex
 10 if the vehicle is locked and the weapon is out of normal view. It is unlawful for any person to
 11 willfully deface any trees, wall, floor, stairs, ceiling, column, statue, monument, structure, surface,
 12 artwork, or adornment in the State Capitol Complex. It is unlawful for any person or persons to
 13 willfully block or otherwise willfully obstruct any public access, stair, or elevator in the State Capitol
 14 Complex after being asked by a law-enforcement officer acting in his or her official capacity to
 15 desist: *Provided, however*, That, in order to preserve the constitutional right of the people to
 16 assemble, it is not willful blocking or willful obstruction for persons gathered in a group or crowd
 17 if the persons move to the side or part to allow other persons to pass by the group or crowd to
 18 gain ingress or egress: *Provided, further*, That this subsection does not apply to a law-
 19 enforcement officer acting in his or her official capacity.

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

NOTE: The purpose of this bill is to eliminate the restriction to carry a firearm on 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.