

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

Senate Bill 392

BY SENATORS HAMILTON, LINDSAY, BALDWIN, AND

ROMANO

[Originating in the Committee on the Judiciary;

reported on February 25, 2021]

1 A BILL to amend §61-1-9 of the Code of West Virginia, 1931, as amended, relating to modifying
2 the penalty for impersonation of a law-enforcement officer or official by adding a period of
3 possible incarceration as a criminal penalty.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. CRIMES AGAINST THE GOVERNMENT.

§61-1-9. Impersonation of law-enforcement officer or official; penalty.

1 Any person who shall falsely represent himself or herself to be a law-enforcement officer
2 or law-enforcement official or to be under the order or direction of any such person, or any person
3 not a law-enforcement officer or law-enforcement official who shall wear the uniform prescribed
4 for such persons, or the badge or other insignia adopted for use by such persons with the intent
5 to deceive another person, is guilty of a misdemeanor and, upon conviction thereof, shall be fined
6 not less than \$100 nor more than \$1,000, or confined in jail for not more than six months, or both
7 fined and confined.

8 For purposes of this section, the terms law-enforcement officer and law-enforcement
9 official shall be defined in §30-29-1 of this code, except that such terms shall not include members
10 of the Department of Military Affairs and Public Safety and shall not include individuals hired by
11 nonpublic entities for the provision of security services.