WEST virginia legislature

**FISCAL NOTE**

2021 regular session

Introduced

Senate Bill 481

By Senators Jeffries, Lindsay, Caputo, and Romano

[Introduced March 1, 2021; referred  
to the Committee on the Judiciary]

A BILL to amend and reenact §61-1-9 of the Code of West Virginia, 1931, as amended, relating to increasing the misdemeanor penalty for impersonation of a law-enforcement officer or official to include the possibility of confinement in jail.

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.

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

For purposes of this section, the terms law-enforcement officer and law-enforcement official ~~shall be~~ are defined by §30-29-1 of this code, except that ~~such~~ the terms ~~shall~~ do not include members of the ~~division of public safety~~ State Police and ~~shall~~ do not include individuals hired by nonpublic entities for the provision of security services.

NOTE: The purpose of this bill is to add the possibility of jail time to the offense of impersonating a law-enforcement officer or official.

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