

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Introduced**

**House Bill 2301**

By Delegate Walker

[Introduced January 11, 2023; Referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, to provide  
2 civil rights protections to certain individuals.

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

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

**§61-6-21. Prohibiting violations of an individual's civil rights; penalties.**

1 (a) All persons within the boundaries of the State of West Virginia have the right to be free  
2 from any violence, or intimidation by threat of violence, committed against their persons or  
3 property because of their race, color, religion, ancestry, national origin, political affiliation, ~~or~~ sex,  
4 perceived or actual sexual orientation, gender identity, or disabilities.

5 (b) If any person does by force or threat of force, willfully injure, intimidate or interfere with,  
6 or attempt to injure, intimidate, or interfere with, or oppress or threaten any other person in the free  
7 exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of  
8 the State of West Virginia or by the Constitution or laws of the United States, because of such  
9 other person's race, color, religion, ancestry, national origin, political affiliation, ~~or~~ sex, perceived or  
10 actual sexual orientation, gender identity, or disabilities, he or she shall be guilty of a felony and,  
11 upon conviction, shall be fined not more than \$5,000 or imprisoned not more than 10 years, or  
12 both.

13 (c) If any person conspires with another person or persons to willfully injure, oppress,  
14 threaten, or intimidate or interfere with any citizen because of such other person's race, color,  
15 religion, ancestry, national origin, political affiliation, ~~or~~ sex, perceived or actual sexual orientation,  
16 gender identity, or disabilities, in the free exercise or enjoyment of any right or privilege secured to  
17 him or her by the Constitution or laws of the State of West Virginia or by the Constitution or laws of  
18 the United States, and in ~~willfull~~ willful furtherance thereof to assemble with one or more persons  
19 for the purpose of teaching any technique or means capable of causing property damage, bodily  
20 injury or death when such person or persons intend to employ such techniques or means to violate  
21 this section, each such person shall be guilty of a felony and, upon conviction, shall be fined not

22 more than \$5,000 or imprisoned not more than 10 years, or both.

23 (d) The fact that a person committed a felony or misdemeanor, or attempted to commit a  
24 felony, because of the victim's race, color, religion, ancestry, national origin, political affiliation, or  
25 sex, perceived or actual sexual orientation, gender identity, or disabilities, shall be considered a  
26 circumstance in aggravation of any crime in imposing sentence.

27 (e) Nothing contained in this section makes unlawful the teaching of any technique in self-  
28 defense.

29 (f) Nothing in this section shall be construed so as to make it unlawful nor to prohibit nor, in  
30 any manner, to impede or to interfere with any person in conducting labor union or labor union  
31 organizing activities.

NOTE: The purpose of this bill is to expand felony hate crime protections to individuals on the basis of perceived or actual sexual orientation, gender identity, or disabilities.

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