

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 490

BY SENATORS DEEDS, HAMILTON, HUNT, JEFFRIES,
KARNES, MARONEY, MARTIN, PHILLIPS, STUART, TRUMP
WELD, WOODRUM, PLYMALE, SWOPE, ROBERTS, GRADY,
NELSON, AND TAYLOR

[Originating in the Committee on the Judiciary;

reported on February 7, 2023]

1 A BILL to amend the Code of West Virginia 1931, as amended, by adding thereto a new section,
2 designated §61-5-17a, relating to creating the offense of knowingly and willfully
3 obstructing a law-enforcement officer, probation officer, parole officer, courthouse security
4 officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal,
5 firefighter, or emergency medical service personnel engaged in their official duties and
6 thereby proximately causing the death of a person acting in his or her official capacity; and
7 establishing the penalty therefor as life in prison with parole eligibility after service of 15
8 years.

9 *PREAMBLE: THIS LAW IS DESIGNATED AND MAY BE REFERRED TO AS THE*
10 *PATROL OFFICER CASSIE MARIE JOHNSON MEMORIAL ACT.*

Be it enacted by the Legislature of West Virginia:

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

**§61-5-17a. Willfully obstructing a law-enforcement officer, probation officer, parole officer,
courthouse security officer, correctional officer, the State Fire Marshal, a deputy or
assistant fire marshal, firefighter, or emergency medical service personnel causing
death; penalty.**

1 Notwithstanding any provision of this code to the contrary, any person who knowingly and
2 willfully obstructs a law-enforcement officer, probation officer, parole officer, courthouse security
3 officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter,
4 or emergency medical service personnel lawfully acting in his or her official capacity and thereby
5 proximately causes the death of a law-enforcement officer, probation officer, parole officer,
6 courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire
7 marshal, firefighter, or emergency medical service personnel so acting, is guilty of a felony, and

CS for SB 490

- 8 upon conviction thereof, shall be imprisoned in a state correctional facility for a term of 15 years
- 9 to life in a state correctional facility.