

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5446

By Delegate Brooks

[Introduced February 05, 2024; Referred to the
Committee on Technology and Infrastructure then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
 2 designated §61-6-1c, relating to establishing the criminal offense of obstructing a highway
 3 or other passageway; defining "obstruct"; and establishing penalties for violation of
 4 section.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-1c. Obstructing highway or passageway; penalties.

1 (a) A person commits an offense if, without legal privilege or authority, he or she
 2 intentionally, knowingly, or recklessly:

3 (1) Obstructs a highway, street, or sidewalk to which the public or a substantial group of the
 4 public has access, or any other place used for the passage of persons, vehicles, or conveyances,
 5 regardless of the means of creating the obstruction and whether the obstruction arises from his or
 6 her acts alone or from his or her acts and the acts of others; or

7 (2) Disobeys a reasonable request or order to move issued by a person the actor knows to
 8 be or is informed is a law enforcement officer, a fire fighter, or a person with authority to control the
 9 use of the premises to prevent obstruction of a highway or any of those areas contained in
 10 subsection (a)(1) of this section;

11 (b) For purposes of this section, "obstruct" means to render impassable or to render
 12 passage unreasonably inconvenient or hazardous.

13 (c) Any person who violates this section shall be guilty of a misdemeanor, and upon
 14 conviction thereof, shall be fined not less than \$500, or incarcerated for up to one year, or both
 15 fined and confined.

16 (d) Any person who violates this section under the aggravating circumstances described in
 17 subsection (e) of this section shall be guilty of a felony and, upon conviction thereof, shall be fined
 18 not less than \$1,000 or imprisoned in a state correctional facility for not less than one year or more
 19 than three years, or both fined and imprisoned.

20 (e) If a person has previously been convicted of an offense punishable under subsection
21 (c); or during the commission of the offense knowingly prevented the passage of an authorized
22 emergency vehicle that is operating the vehicle's emergency audible or visual signals; or
23 obstructed access to a hospital or other health care facility that provides emergency medical care,
24 he or she shall be subject to the criminal penalties established in subsection (d) of this section.

NOTE: The purpose of this bill is to establish the criminal offense of obstructing a highway or other passageway; defining "obstruct"; and establishing penalties for violation of section.

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