

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2905

By Delegates Young and Lewis

[Introduced February 24, 2025; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §29-3A-4 and §61-2-10b of the Code of West Virginia, 1931, as
2 amended; relating to crimes against law enforcement, firefighters, governmental
3 representatives, health care providers, utility workers, correctional employees, and
4 emergency medical service personnel; creating a felony offense for attacking or hindering
5 or obstructing a firefighter or emergency equipment; and creating criminal penalties.

Be it enacted by the Legislature of West Virginia:

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 3A. AUTHORITY OF LOCAL FIRE DEPARTMENTS.

§29-3A-4. Person attacking or hindering or obstructing firefighter or emergency equipment; penalties.

1 (a) It is unlawful, while any fire department or company or firefighter is lawfully exercising or
2 discharging the department's, company's or firefighter's official duty during an emergency, for any
3 person to:

4 (1) Attack any firefighter or any of his or her equipment with any deadly weapon as defined
5 in §61-7-2 of this code; or

6 (2) Intentionally hinder, obstruct, oppose, or attempt to hinder, obstruct or oppose, or
7 counsel, advise or invite others to hinder, obstruct or oppose, any fire department, fire company or
8 firefighter.

9 (b) Any person violating the provisions of this section is guilty of a felony and, upon
10 conviction thereof, shall be confined in a state correctional facility not less than one nor more than
11 10 years, or, in the discretion of the court, be confined in the regional or county jail not more than
12 ~~one year~~ two years or fined not more than ~~\$500~~ \$1,000, or both.

13 (c) Any person willfully violating any of the provisions of section one or three of this article is
14 guilty of a ~~misdemeanor~~ felony and, upon conviction thereof, shall be fined not less than \$100
15 \$200 nor more than ~~\$500~~ \$1,000.

(d) Nothing in this article shall be construed to prevent law-enforcement officials from controlling traffic and otherwise maintaining order at the scene of a fire.

(e) No person may willfully fail or refuse to comply with a lawful order or direction of any fire department or company or firefighter who is lawfully exercising or discharging the department's, company's or firefighter's official duty during an emergency, relating to directing, controlling or regulating traffic, so long as such order or direction is conveyed by a retro-reflective hand signing device. Any person violating the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof: (1) For a first offense shall be fined not more than ~~\$400~~ \$200; (2) for a second offense occurring within one year of a previous conviction shall be fined not more than ~~\$200~~ \$400; and (3) for a third and subsequent offense shall be fined not more than ~~\$500~~ \$1,000.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-10b. Malicious assault; unlawful assault; battery; and assault on governmental representatives, health care providers, utility workers, law-enforcement officers, correctional employees and emergency medical service personnel; definitions; penalties.

(a) For purposes of this section:

(1) "Government representative" means any officer or employee of the state or a political subdivision thereof, or a person under contract with a state agency or political subdivision thereof.

(2) "Health care worker" means any nurse, nurse practitioner, physician, physician assistant or technician practicing at, and all persons employed by or under contract to a hospital, county or district health department, long-term care facility, physician's office, clinic or outpatient treatment facility.

(3) "Emergency service personnel" means any paid or volunteer firefighter, emergency medical technician, paramedic, or other emergency services personnel employed by or under

contract with an emergency medical service provider or a state agency or political subdivision thereof.

(4) "Utility worker" means any individual employed by a public utility or electric cooperative or under contract to a public utility, electric cooperative or interstate pipeline.

(5) "Law-enforcement officer" has the same definition as this term is defined in W.Va. Code §30-29-1, except for purposes of this section, "law-enforcement officer" shall additionally include those individuals defined as "chief executive" in W.Va. Code §30-29-1.

(6) "Correctional employee" means any individual employed by the West Virginia Division of Corrections, the West Virginia Regional Jail Authority, and the West Virginia Division of Juvenile Services and an employee of an entity providing services to incarcerated, detained or housed persons pursuant to a contract with such agencies.

(b) *Malicious assault.* — Any person who maliciously shoots, stabs, cuts or wounds or by any means causes bodily injury with intent to maim, disfigure, disable or kill a government representative, health care worker, utility worker, emergency service personnel, correctional employee or law-enforcement officer acting in his or her official capacity, and the person committing the malicious assault knows or has reason to know that the victim is acting in his or her official capacity is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not less than ~~three~~ six nor more than ~~fifteen~~ 30 years.

(c) *Unlawful assault.* — Any person who unlawfully but not maliciously shoots, stabs, cuts or wounds or by any means causes a government representative, health care worker, utility worker, emergency service personnel, correctional employee or law-enforcement officer acting in his or her official capacity bodily injury with intent to maim, disfigure, disable or kill him or her and the person committing the unlawful assault knows or has reason to know that the victim is acting in his or her official capacity is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not less than ~~two~~ four nor more than ~~five~~ 10 years.

(d) *Battery.* — Any person who unlawfully, knowingly and intentionally makes physical

36 contact of an insulting or provoking nature with a government representative, health care worker,
37 utility worker, emergency service personnel, correctional employee or law-enforcement officer
38 acting in his or her official capacity and the person committing the battery knows or has reason to
39 know that the victim is acting in his or her official capacity, or unlawfully and intentionally causes
40 physical harm to that person acting in such capacity and the person committing the battery knows
41 or has reason to know that the victim is acting in his or her official capacity, is guilty of a
42 misdemeanor and, upon conviction thereof, shall be fined not more than \$500 \$1,000 or confined
43 in jail not less than ~~one~~ two months nor more than ~~twelve~~ 24 months or both fined and confined. If
44 any person commits a second such offense, he or she is guilty of a felony and, upon conviction
45 thereof, shall be fined not more than \$1,000 \$2,000 or imprisoned in a state correctional facility not
46 less than ~~one year~~ two years nor more than ~~three~~ six years, or both fined and imprisoned. Any
47 person who commits a third violation of this subsection is guilty of a felony and, upon conviction
48 thereof, shall be fined not more than \$2,000 \$4,000 or imprisoned in a state correctional facility not
49 less than ~~two~~ four years nor more than ~~five~~ 10 years, or both fined and imprisoned.

50 (e) *Assault*. — Any person who unlawfully attempts to commit a violent injury to the person
51 of a government representative, health care worker, utility worker, emergency service personnel,
52 correctional employee or law-enforcement officer, acting in his or her official capacity and the
53 person committing the battery knows or has reason to know that the victim is acting in his or her
54 official capacity, or unlawfully commits an act which places that person acting in his or her official
55 capacity in reasonable apprehension of immediately receiving a violent injury and the person
56 committing the battery knows or has reason to know that the victim is acting in his or her official
57 capacity, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not
58 less than ~~twenty-four~~ 48 hours nor more than ~~six months~~ one year, fined not more than \$200 \$400,
59 or both fined and confined.

60 (f) Any person convicted of any crime set forth in this section who is incarcerated in a
61 facility operated by the West Virginia Division of Corrections or the West Virginia Regional Jail

62 Authority, or is in the custody of the Division of Juvenile Services and is at least eighteen years of
63 age or subject to prosecution as an adult, at the time of committing the offense and whose victim is
64 a correctional employee may not be sentenced in a manner by which the sentence would run
65 concurrent with any other sentence being served at the time the offense giving rise to the
66 conviction of a crime set forth in this section was committed.

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NOTE: The purpose of this bill is to enhance penalties relating to crimes against law enforcement, firefighters, governmental representatives, health care providers, utility workers, correctional employees, and emergency medical service personnel; create a felony offense for attacking or hindering or obstructing a firefighter or emergency equipment; and create criminal penalties.

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