

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3065

By Delegates Mallow, Jennings, Statler, Brooks,
Heckert, Marple, DeVault, Miller, and T. Clark

[Introduced February 28, 2025; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating
2 to the amend the penalties for any assault on a police officer or police dog.

Be it enacted by the Legislature of West Virginia:

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.

1 (a) For purposes of this section:

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

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

8 (3) "Emergency service personnel" means any paid or volunteer firefighter, emergency
9 medical technician, paramedic, or other emergency services personnel employed by or under
10 contract with an emergency medical service provider or a state agency or political subdivision
11 thereof.

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

14 (5) "Law-enforcement officer" has the same definition as this term is defined in W.Va. Code
15 §30-29-1, except for purposes of this section, "law-enforcement officer" shall additionally include
16 those individuals defined as "chief executive" in W.Va. Code §30-29-1. For the purposes of this
17 section, "law enforcement officer" shall also mean any animal trained for use by a law enforcement
18 officer in the course of their duties.

(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 nor more than fifteen 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 nor more than five years.

(d) *Battery*. — Any person who unlawfully, knowingly and intentionally makes physical contact of an insulting or provoking nature with 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 battery knows or has reason to know that the victim is acting in his or her official capacity, or unlawfully and intentionally causes physical harm to that person acting in such capacity and the person committing the battery knows or has reason to know that the victim is acting in his or her official capacity, is guilty of a ~~misdemeanor~~ felony and, upon conviction thereof, shall be fined not more than \$500 or confined in

45 jail not less than one month nor more than twelve months or both fined and confined. If any person
46 commits a second such offense, he or she is guilty of a felony and, upon conviction thereof, shall
47 be fined not more than \$1,000 or imprisoned in a state correctional facility not less than one year
48 nor more than three years, or both fined and imprisoned. Any person who commits a third violation
49 of this subsection is guilty of a felony and, upon conviction thereof, shall be fined not more than
50 \$2,000 or imprisoned in a state correctional facility not less than two years nor more than five
51 years, or both fined and imprisoned.

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

62 (f) Any person convicted of any crime set forth in this section who is incarcerated in a
63 facility operated by the West Virginia Division of Corrections or the West Virginia Regional Jail
64 Authority, or is in the custody of the Division of Juvenile Services and is at least eighteen years of
65 age or subject to prosecution as an adult, at the time of committing the offense and whose victim is
66 a correctional employee may not be sentenced in a manner by which the sentence would run
67 concurrent with any other sentence being served at the time the offense giving rise to the
68 conviction of a crime set forth in this section was committed.

NOTE: The purpose of this bill is to amend penalties for any assault on a police officer or
police dog.

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