

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 3135**

By Delegates Brooks and Clay

[Originating in the Committee on Energy and Public

Works; Reported on March 11, 2025]

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"; establishing penalties for violation of section;  
4 and providing nothing in this section shall be construed to prevent lawful assembly and  
5 petition for the lawful redress of grievances.

*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 and imprisoned in a state correctional facility  
15 for not less than one month.

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 and imprisoned in a state correctional facility for not less than three months or

19 more than three years.

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.

25 (f) Nothing in this section shall be construed to prevent lawful assembly and petition for the  
26 lawful redress of grievances, during any dispute, including, but not limited to, activities protected  
27 by the West Virginia Constitution, or the United States Constitution, or any statute of this state or  
28 the United States."

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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.