

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

House Bill 3138

By Delegates Chiarelli, Ward, Crouse, Moore,
Browning, Green, Kelly, DeVault, Mallow, Vance, and
Drennan

[Introduced March 04, 2025; referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §61-5-30, relating to creating a 25-foot barrier around first responders.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. CRIMES AGAINST THE PUBLIC JUSTICE.

§61-5-30. Bystanders shall stand 25 feet back from first responders engaged in the lawful performance of their duties.

1 (a) As used in this section, the term:

2 (1) "First responder" includes a law enforcement officer as defined in §30-29-1 of this code,
3 a probation officer as described in §62-12-6 of this code, or a firefighter or emergency responder
4 as defined in §5H-1-2 of this code.

5 (2) "Harass" means to willfully engage in a course of conduct directed at a first responder
6 which intentionally causes substantial emotional distress in that first responder and serves no
7 legitimate purpose.

8 (b) It is unlawful for a person, after receiving a verbal warning not to approach from a
9 person he or she knows or reasonably should know is a first responder, who is engaged in the
10 lawful performance of a legal duty, to knowingly and willfully violate such warning and approach or
11 remain within 25 feet of the first responder with the intent to:

12 (1) Impede or interfere with the first responder's ability to perform such duty;

13 (2) Threaten the first responder with physical harm; or

14 (3) Harass the first responder.

15 (c) A person who violates this subsection is guilty of a misdemeanor and, upon conviction
16 thereof, shall be fined not less than \$50 nor more than \$500 or confined in jail not more than one
17 year, or both fined and confined.

NOTE: The purpose of this bill is to create a 25-foot barrier around first responders.

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