

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4179**

By Delegate Mallow

[Introduced January 14, 2026; 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.**

(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 of this code, 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 of this code. For the purposes of this section, "law enforcement officer" shall also mean any animal trained for use by a law enforcement officer in the course of their duties.

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

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

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

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

64 (f) Any person convicted of any crime set forth in this section who is incarcerated in a  
65 facility operated by the West Virginia Division of Corrections or the West Virginia Regional Jail  
66 Authority, or is in the custody of the Division of Juvenile Services and is at least eighteen years of  
67 age or subject to prosecution as an adult, at the time of committing the offense and whose victim is  
68 a correctional employee may not be sentenced in a manner by which the sentence would run  
69 concurrent with any other sentence being served at the time the offense giving rise to the  
70 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.