

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 5198

By Delegates Shamblin, Hall, Akers, Worrell,
Ellington, Ferrell, Dittman, Moore, Masters, and
Flanigan

[Originating in the Committee on the Judiciary;

Reported on February 17, 2026]

1 A BILL to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to
2 prohibiting violations of an individual's civil rights; clarify that persons with a disability are
3 included as a protected class in the section; creating definitions; and creating criminal
4 penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-21. Prohibiting violations of an individual's civil rights; penalties.

1 (a) All persons within the boundaries of the State of West Virginia have the right to be free
2 from any violence, or intimidation by threat of violence, committed against their persons or
3 property because of their race, color, religion, ancestry, national origin, political affiliation, ~~or~~ sex,
4 or disability.

5 (b) If any person does by force or threat of force, willfully injure, intimidate or interfere with,
6 or attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the free
7 exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of
8 the State of West Virginia or by the Constitution or laws of the United States, because of such
9 other person's race, color, religion, ancestry, national origin, political affiliation, ~~or~~ sex, or disability,
10 he or she shall be guilty of a felony, and, upon conviction, shall be fined not more than \$5,000 or
11 imprisoned not more than ten years, or both.

12 (c) If any person conspires with another person or persons to willfully injure, oppress,
13 threaten, or intimidate or interfere with any citizen because of such other person's race, color,
14 religion, ancestry, national origin, political affiliation, ~~or~~ sex, or disability in the free exercise or
15 enjoyment of any right or privilege secured to him or her by the Constitution or laws of the State of
16 West Virginia or by the Constitution or laws of the United States, and in willful furtherance thereof
17 to assemble with one or more persons for the purpose of teaching any technique or means
18 capable of causing property damage, bodily injury or death when such person or persons intend to
19 employ such techniques or means to violate this section, each such person shall be guilty of a

20 felony, and, upon conviction, shall be fined not more than \$5,000 or imprisoned not more than ten
21 years, or both.

22 (d) The fact that a person committed a felony or misdemeanor, or attempted to commit a
23 felony, because of the victim's race, color, religion, ancestry, national origin, political affiliation, or
24 sex, or disability shall be considered a circumstance in aggravation of any crime in imposing
25 sentence.

26 (e) Nothing contained in this section makes unlawful the teaching of any technique in self-
27 defense.

28 (f) Nothing in this section shall be construed so as to make it unlawful nor to prohibit nor, in
29 any manner, to impede or to interfere with any person in conducting labor union or labor union
30 organizing activities.

31 (g) For purposes of this section, "disability" has the same meaning as that term is defined
32 in §16B-17-3 of this code.