

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 190**

By Senator Weld

[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; and to  
2 amend the code by adding a new section, designated §61-2-10c, relating to clarifying the  
3 criminal offense of malicious assault, unlawful assault, and battery on law-enforcement  
4 officers, correctional employees, and emergency medical service personnel; providing  
5 definitions; and establishing penalties.

*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, and 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 except for any officer or employee designated in §61-2-10c of this code.

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

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

13 (4) (3) "Utility worker" means any individual employed by a public utility or electric  
14 cooperative or under contract to a public utility, electric cooperative or interstate pipeline.

15 ~~(5) "Law-enforcement officer" has the same definition as this term is defined in W.Va. Code~~

16 ~~§30-29-1, except for purposes of this section, "law enforcement officer" shall additionally include~~  
17 ~~those individuals defined as "chief executive" in W.Va. Code §30-29-1.~~

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

22 (b) *Malicious assault.* — Any person who maliciously shoots, stabs, cuts or wounds or by  
23 any means causes bodily injury with intent to maim, disfigure, disable or kill a government  
24 representative, health care worker, or utility worker, ~~emergency service personnel, correctional~~  
25 ~~employee or law enforcement officer~~ acting in his or her official capacity, and the person  
26 committing the malicious assault knows or has reason to know that the victim is acting in his or her  
27 official capacity is guilty of a felony and, upon conviction thereof, shall be confined in a correctional  
28 facility for not less than three nor more than 15 years.

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

36 (d) *Battery.* — Any person who unlawfully, knowingly and intentionally makes physical  
37 contact of an insulting or provoking nature with a government representative, health care worker,  
38 or utility worker, ~~emergency service personnel, correctional employee or law enforcement officer~~  
39 acting in his or her official capacity and the person committing the battery knows or has reason to  
40 know that the victim is acting in his or her official capacity, or unlawfully and intentionally causes  
41 physical harm to that person acting in such capacity and the person committing the battery knows

42 or has reason to know that the victim is acting in his or her official capacity, is guilty of a  
43 misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in jail  
44 not less than one month nor more than twelve months or both fined and confined. If any person  
45 commits a second such offense, he or she is guilty of a felony and, upon conviction thereof, shall  
46 be fined not more than \$1,000 or imprisoned in a state correctional facility not less than one year  
47 nor more than three years, or both fined and imprisoned. Any person who commits a third violation  
48 of this subsection is guilty of a felony and, upon conviction thereof, shall be fined not more than  
49 \$2,000 or imprisoned in a state correctional facility not less than two years nor more than five  
50 years, or both fined and imprisoned.

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

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

**§61-2-10c. Malicious assault; unlawful assault; battery; and assault on law-enforcement officers, correctional employees and emergency medical service personnel; definitions; penalties.**

1       (a) For purposes of this section:

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

6       (2) "Law-enforcement officer" has the same definition as this term is defined in §30-29-1 of  
7       this code, except for purposes of this section, "law-enforcement officer" shall additionally include  
8       those individuals defined as "chief executive" in §30-29-1 of this code.

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

13      (b) *Malicious assault.* -- Any person who maliciously shoots, stabs, cuts or wounds or by  
14      any means causes bodily injury with intent to maim, disfigure, disable or kill an emergency service  
15      personnel, correctional employee, or law-enforcement officer acting in his or her official capacity,  
16      and the person committing the malicious assault knows or has reason to know that the victim is  
17      acting in his or her official capacity is guilty of a felony and, upon conviction thereof, shall be  
18      confined in a correctional facility for not less than three nor more than 15 years.

19      (c) *Unlawful assault.* -- Any person who unlawfully but not maliciously shoots, stabs, cuts  
20      or wounds or by any means causes an emergency service personnel, correctional employee, or  
21      law-enforcement officer acting in his or her official capacity bodily injury with intent to maim,  
22      disfigure, disable or kill him or her and the person committing the unlawful assault knows or has  
23      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 an 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 and, upon conviction thereof, shall be fined not more than \$500 or confined in jail not less than one month nor more than 12 months or both fined and confined. If any person commits a second such offense, he or she is guilty of a felony and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned in a state correctional facility not less than one year nor more than three years, or both fined and imprisoned. Any person who commits a third violation of this subsection is guilty of a felony and, upon conviction thereof, shall be fined not more than \$2,000 or imprisoned in a state correctional facility not less than two years nor more than five years, or both fined and imprisoned.

(e) *Assault.* -- Any person who unlawfully attempts to commit a violent injury to the person of an 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 commits an act which places that person acting in his or her official capacity in reasonable apprehension of immediately receiving a violent injury 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 felony and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned in a state correctional facility not less than one year nor more than three years, or both fined and imprisoned.

(f) Any person convicted of any crime set forth in this section who is incarcerated in a

50 facility operated by the West Virginia Division of Corrections and Rehabilitation or the West  
51 Virginia Regional Jail Authority, or is in the custody of the West Virginia Division of Juvenile  
52 Services and is at least 18 years of age or subject to prosecution as an adult, at the time of  
53 committing the offense and whose victim is a correctional employee may not be sentenced in a  
54 manner by which the sentence would run concurrent with any other sentence being served at the  
55 time the offense giving rise to the conviction of a crime set forth in this section was committed.

NOTE: The purpose of this bill is to clarify the criminal offense of malicious assault, unlawful assault, and battery on law-enforcement officers, correctional employees, and emergency medical service personnel; provide definitions; and establish penalties.

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