

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5198**

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

[Introduced February 04, 2026; referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to  
2 enhancing the penalty of crimes committed against persons with a mental disability.

*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 mental 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 mental  
10 disability, he or she shall be guilty of a felony, and, upon conviction, shall be fined not more than  
11 \$5,000 or 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 mental disability in the free exercise  
15 or enjoyment of any right or privilege secured to him or her by the Constitution or laws of the State  
16 of West Virginia or by the Constitution or laws of the United States, and in willful furtherance  
17 thereof 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 mental disability shall be considered a circumstance in aggravation of any crime in  
25 imposing 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, "mental disability" shall have the same meaning as that  
32 term is defined by the Americans with Disabilities Act, 42 USCS § 12102.

NOTE: The purpose of this bill is to enhance the penalty for crimes committed against persons with a mental disability.

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