

1 parole officer acting in his or her official capacity is guilty of
2 a misdemeanor and, upon conviction thereof, shall be fined not less
3 than \$50 nor more than \$500 or confined in jail not more than one
4 year, or both fined and confined.

5 (b) Any person who intentionally disarms or attempts to disarm
6 any law-enforcement officer, correctional officer, probation
7 officer or parole officer, acting in his or her official capacity,
8 is guilty of a felony and, upon conviction thereof, shall be
9 imprisoned in a state correctional facility not less than one nor
10 more than five years.

11 (c) Any person who, with intent to impede or obstruct a law-
12 enforcement officer in the conduct of an investigation of a felony
13 offense, knowingly and willfully makes a materially false
14 statement, is guilty of a misdemeanor and, upon conviction thereof,
15 shall be fined not less than \$25 and not more than \$200, or
16 confined in jail for five days, or both fined ~~or~~ and confined.
17 However, the provisions of this section do not apply to statements
18 made by a spouse, parent, stepparent, grandparent, sibling, half
19 sibling, child, stepchild or grandchild, whether related by blood
20 or marriage, of the person under investigation. Statements made by
21 the person under investigation may not be used as the basis for
22 prosecution under this subsection. For the purposes of this
23 subsection, "law-enforcement officer" does not include a watchman,
24 a member of the West Virginia State Police or college security

1 personnel who is not a certified law-enforcement officer.

2 (d) Any person who intentionally flees or attempts to flee by
3 any means other than the use of a vehicle from any law-enforcement
4 officer, probation officer or parole officer acting in his or her
5 official capacity who is attempting to make a lawful arrest of the
6 person, and who knows or reasonably believes that the officer is
7 attempting to arrest him or her, is guilty of a misdemeanor and,
8 upon conviction thereof, shall be fined not less than \$50 nor more
9 than \$500 or confined in jail not more than one year, or both.

10 (e) Any person who intentionally flees or attempts to flee in
11 a vehicle from any law-enforcement officer, probation officer or
12 parole officer acting in his or her official capacity, after the
13 officer has given a clear visual or audible signal directing the
14 person to stop, is guilty of a misdemeanor and, upon conviction
15 thereof, shall be fined not less than \$500 nor more than \$1,000 and
16 shall be confined in a regional jail not more than one year.

17 (f) Any person who intentionally flees or attempts to flee in
18 a vehicle from any law-enforcement officer, probation officer or
19 parole officer acting in his or her official capacity, after the
20 officer has given a clear visual or audible signal directing the
21 person to stop, and who operates the vehicle in a manner showing a
22 reckless indifference to the safety of others, is guilty of a
23 felony and, upon conviction thereof, shall be fined not less than
24 \$1,000 nor more than \$2,000, and shall be imprisoned in a state

1 correctional facility not less than one nor more than five years.

2 (g) Any person who intentionally flees or attempts to flee in
3 a vehicle from any law-enforcement officer, probation officer or
4 parole officer acting in his or her official capacity, after the
5 officer has given a clear visual or audible signal directing the
6 person to stop, and who causes damage to the real or personal
7 property of any person during or resulting from his or her flight,
8 is guilty of a misdemeanor and, upon conviction thereof, shall be
9 fined not less than \$1,000 nor more than \$3,000 and shall be
10 confined in the county or regional jail for not less than six
11 months nor more than one year.

12 (h) Any person who intentionally flees or attempts to flee in
13 a vehicle from any law-enforcement officer, probation officer or
14 parole officer acting in his or her official capacity, after the
15 officer has given a clear visual or audible signal directing the
16 person to stop, and who causes bodily injury to any person during
17 or resulting from his or her flight, is guilty of a felony and,
18 upon conviction thereof, shall be imprisoned in a state
19 correctional facility not less than three nor more than ten years.

20 (i) Any person who intentionally flees or attempts to flee in
21 a vehicle from any law-enforcement officer, probation officer or
22 parole officer acting in his or her official capacity, after the
23 officer has given a clear visual or audible signal directing the
24 person to stop, and who causes death to any person during or

1 resulting from his or her flight, is guilty of a felony and, upon
2 conviction thereof, shall be punished by a definite term of
3 imprisonment in a state correctional facility which is not less
4 than five nor more than fifteen years. A person imprisoned
5 pursuant to the provisions of this subsection is not eligible for
6 parole prior to having served a minimum of three years of his or
7 her sentence or the minimum period required by the provisions of
8 section thirteen, article twelve, chapter sixty-two of this code,
9 whichever is greater.

10 (j) Any person who intentionally flees or attempts to flee in
11 a vehicle from any law-enforcement officer, probation officer or
12 parole officer acting in his or her official capacity, after the
13 officer has given a clear visual or audible signal directing the
14 person to stop, and who is under the influence of alcohol,
15 controlled substances or drugs at the time, is guilty of a felony
16 and, upon conviction thereof, shall be imprisoned in a state
17 correctional facility not less than three nor more than ten years.

18 (k) For purposes of this section, the term "vehicle" includes
19 any motor vehicle, motorcycle, motorboat, all-terrain vehicle or
20 snowmobile, as those terms are defined in section one, article one,
21 chapter seventeen-a of this code, whether or not it is being
22 operated on a public highway at the time and whether or not it is
23 licensed by the state.

24 (l) For purposes of this section, the terms "flee", "fleeing"

1 and "flight" do not include any person's reasonable attempt to
2 travel to a safe place, allowing the pursuing law-enforcement
3 officer to maintain appropriate surveillance, for the purpose of
4 complying with the officer's direction to stop.

5 (m) The revisions to subsections (e), (f), (g) and (h) of this
6 section enacted during the regular session of the 2010 regular
7 legislative session shall be known as the Jerry Alan Jones Act.