

1 a misdemeanor and, upon conviction thereof, shall be fined not less
2 than \$50 nor more than \$500 or confined in jail not more than one
3 year, or both fined and confined.

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

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

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

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

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

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

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

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

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

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

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

23 (l) For purposes of this section, the terms "flee", "fleeing"
24 and "flight" do not include any person's reasonable attempt to

1 travel to a safe place, allowing the pursuing law-enforcement
2 officer to maintain appropriate surveillance, for the purpose of
3 complying with the officer's direction to stop.

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

(NOTE: The purpose of this bill is to make it a felony to
disarm or attempt to disarm a correctional officer.

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

This bill was recommended for introduction and passage during
the 2012 Regular Session of the Legislature by the Legislative
Oversight Committee on Regional Jail and Correctional Facility
Authority.)

FINANCE COMMITTEE AMENDMENT

On page six, section seventeen, line four, by striking out the
word "article" and inserting in lieu thereof the word "section".