

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2081

2015 Carryover

(BY DELEGATES GUTHRIE, ROWE, PUSHKIN, BYRD AND
HORNBUCKLE)

[Introduced January 13, 2016; 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, relating
 2 to acts of violence against certain persons; and listing journalists within the designated
 3 categories of protected persons.

Be it enacted by the Legislature of West Virginia:

1 That §61-2-10b of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 2. CRIMES AGAINST THE PERSON.

**§61-2-10b. Malicious assault; unlawful assault; battery; and assault on governmental
 representatives, health care providers, journalists 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 (2) "Health care worker" means any nurse, nurse practitioner, physician, physician
 5 assistant or technician practicing at, and all persons employed by or under contract to a hospital,
 6 county or district health department, long-term care facility, physician's office, clinic or outpatient
 7 treatment facility.

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

12 (4) "Journalist" means any employee of a news-gathering organization that disseminates
 13 news and information to the public by means of print or electronic publication, including audio and
 14 video distribution by electromagnetic transmission.

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

22 (c) *Unlawful assault.* -- Any person who unlawfully but not maliciously shoots, stabs, cuts
23 or wounds or by any means causes a government representative, health care worker, journalist
24 or emergency service personnel acting in his or her official capacity bodily injury with intent to
25 maim, disfigure, disable or kill him or her and the person committing the unlawful assault knows
26 or has reason to know that the victim is acting in his or her official capacity is guilty of a felony
27 and, upon conviction thereof, shall be confined in a correctional facility for not less than two nor
28 more than five years.

29 (d) *Battery.* -- Any person who unlawfully, knowingly and intentionally makes physical
30 contact of an insulting or provoking nature with a government representative, health care worker,
31 journalist or emergency service personnel acting in his or her official capacity, or unlawfully and
32 intentionally causes physical harm to that person acting in such capacity, is guilty of a
33 misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in jail
34 not less than one month nor more than twelve months or both fined and confined. If any person
35 commits a second such offense, he or she is guilty of a felony and, upon conviction thereof, shall
36 be fined not more than \$1,000 or imprisoned in a state correctional facility not less than one year
37 nor more than three years, or both fined and imprisoned. Any person who commits a third
38 violation of this subsection is guilty of a felony and, upon conviction thereof, shall be fined not

39 more than \$2,000 or imprisoned in a state correctional facility not less than two years nor more
40 than five years, or both fined and imprisoned.

41 (e) *Assault*. -- Any person who unlawfully attempts to commit a violent injury to the person
42 of a government representative, health care worker, journalist or emergency service personnel
43 acting in his or her official capacity, or unlawfully commits an act which places that person acting
44 in his or her official capacity in reasonable apprehension of immediately receiving a violent injury,
45 is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than
46 twenty-four hours nor more than six months, fined not more than \$200, or both fined and confined.

NOTE: The purpose of this bill is to include journalists as a protected profession within the definition of crimes of violence against certain categories of workers.

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