

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4407

BY DELEGATES HAMRICK, TRECOST, CADLE, WESTFALL,
PHILLIPS, WAXMAN, IHLE, J. NELSON, KESSINGER, ARVON
AND STORCH

[Introduced February 5, 2016; Referred
to the Committee on Veterans' Affairs and Homeland
Security then the Judiciary.]

1 A BILL to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating
2 to crimes against the peace and dangerous weapons; and authorizing the clerk, head
3 doorkeeper or sergeant of arms, who are elected officers of the West Virginia Senate and
4 House of Delegates, to bring a firearm into the State Capitol Complex and into the
5 chambers of the Legislature, if the officers hold a valid concealed weapons permit.

Be it enacted by the Legislature of West Virginia:

1 That §61-6-19 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 6. CRIMES AGAINST THE PEACE.

**§61-6-19. Willful disruption of governmental processes; offenses occurring at State Capitol
Complex; penalties.**

1 (a) If any person willfully interrupts or molests the orderly and peaceful process of any
2 department, division, agency or branch of state government or of its political subdivisions, he or
3 she is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100,
4 or confined in jail not more than six months, or both fined and confined: *Provided*, That any
5 assembly in a peaceable, lawful and orderly manner for a redress of grievances shall not be a
6 violation of this section.

7 (b) It is unlawful for any person to bring upon the State Capitol Complex any weapon as
8 defined in section two, article seven of this chapter: *Provided*, That a person who holds a valid,
9 current concealed weapons permit issued by a sheriff of this state or the appropriate authority of
10 another jurisdiction may keep a firearm in his or her motor vehicle upon the State Capitol Complex
11 if the vehicle is locked and the weapon is out of normal view. It is unlawful for any person to
12 willfully deface any trees, wall, floor, stairs, ceiling, column, statue, monument, structure, surface,
13 artwork or adornment in the State Capitol Complex: *Provided, however, That this subsection does*
14 *not apply to the clerk, head doorkeeper or sergeant of arms, who are elected officers of the West*
15 *Virginia Senate and House of Delegates, if they hold a valid, current concealed weapons permit*

16 issued by a sheriff of this state or the appropriate authority of another jurisdiction and who may
17 carry a firearm at the State Capitol Complex and in the chambers of the Legislature. It is unlawful
18 for any person or persons to willfully block or otherwise willfully obstruct any public access, stair
19 or elevator in the State Capitol Complex after being asked by a law-enforcement officer acting in
20 his or her official capacity to desist: *Provided*, That, in order to preserve the Constitutional right of
21 the people to assemble, it is not willful blocking or willful obstruction for persons gathered in a
22 group or crowd if the persons move to the side or part to allow other persons to pass by the group
23 or crowd to gain ingress or egress: *Provided, however*, That this subsection does not apply to a
24 law-enforcement officer acting in his or her official capacity.

25 Any person who violates this subsection is guilty of a misdemeanor and, upon conviction
26 thereof, shall be fined not less than \$100 or confined in jail not more than six months, or both.

NOTE: The purpose of this bill is to authorize the clerk, head doorkeeper or sergeant of arms, who are elected officers of West Virginia Senate and House of Delegates, to bring a firearm into the State Capitol Complex and into the chambers of the Legislature, if the officers hold a valid concealed weapons permit.

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