

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

Introduced

### House Bill 2426

FISCAL  
NOTE

BY DELEGATES MARCUM, PHILLIPS, RODIGHIERO,  
SOBONYA, ROHRBACH, LOVEJOY, MAYNARD, HAMRICK,  
WESTFALL AND OVERINGTON

[Introduced February 14, 2017;

Referred to the committee in the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §61-6-21a, relating to requiring a minimum criminal penalty of life  
 3 imprisonment upon conviction of first degree murder, second degree murder, or voluntary  
 4 manslaughter if the convicted individual selected the victim of such crime based on the  
 5 victim’s actual or perceived employment as a law-enforcement officer.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §61-6-21a, to read as follows:

**ARTICLE 6. CRIMES AGAINST THE PEACE**

**§61-6-21a. Intentional Killing Based on Status as Law- Enforcement Officer; Penalty.**

1 (a) Purpose.--

2 The Legislature finds that it is of paramount importance to protect the brave men and  
 3 women that defend our communities from bias-motivated violence and that the killing of an  
 4 individual based on his or her status as a law-enforcement officer constitutes a hate crime.

5 (b) For the purposes of this section, “law-enforcement officer” means an individual  
 6 employed or otherwise engaged in either a public or private position which involves the rendition  
 7 of services relating to enforcement of federal, state or local laws for the protection of public or  
 8 private safety, including, but not limited to, positions as deputy sheriffs, police officers, marshals,  
 9 bailiffs, court security officers or any other law-enforcement position which requires certification.

10 (c) Any person who intentionally selects the victim of one of the following crimes because  
 11 of actual or perceived employment as a law-enforcement officer shall, upon conviction thereof, be  
 12 imprisoned in a state correctional facility for life:

13 (1) First degree murder;

14 (2) Second degree murder; or

15 (3) Voluntary manslaughter.

NOTE: The purpose of this bill is to require a minimum criminal penalty of life imprisonment

upon conviction of first degree murder, second degree murder, or voluntary manslaughter if the convicted party selected the victim of such crime based on the victim's actual or perceived employment as a law-enforcement officer.

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