

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2587**

BY DELEGATES FLEISCHAUER, MILEY, C. THOMPSON,

HIGGINBOTHAM, LINVILLE, WALKER, S. BROWN,

CANESTRARO, BYRD AND FLUHARTY

[Introduced January 22, 2019; Referred  
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating  
 2 to prohibiting violations of an individual’s civil rights because of disability or sexual  
 3 orientation; new definitions; ~~and~~ criminal penalty; and designating changes and section as  
 4 “Angel’s Law”.

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

**ARTICLE 6. CRIMES AGAINST THE PEACE.**

**§61-6-21. Prohibiting violations of an individual's civil rights; penalties.**

1 (a) All persons within the boundaries of the State of West Virginia have the right to be free  
 2 from any violence, or intimidation by threat of violence, committed against their persons or  
 3 property because of their race, color, religion, ancestry, national origin, political affiliation, or sex  
 4 disability or sexual orientation. The term sexual orientation is defined as disclosed or perceived  
 5 male or female homosexuality, heterosexuality or bisexuality by practice or identification.

6 (b) If any person does by force or threat of force, willfully injure, intimidate or interfere with,  
 7 or attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the  
 8 free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or  
 9 laws of the State of West Virginia or by the Constitution or laws of the United States, because of  
 10 such other person's race, color, religion, ancestry, national origin, political affiliation, or sex  
 11 disability or sexual orientation, he or she ~~shall be~~ is guilty of a felony and, upon conviction, shall  
 12 be fined not more than \$5,000 or imprisoned in a state correctional facility not more than 10 years,  
 13 or both fined and imprisoned. If any person conspires with another person or persons to willfully  
 14 injure, oppress, threaten, or intimidate or interfere with any citizen because of such other person's  
 15 race, color, religion, ancestry, national origin, political affiliation, or sex disability or sexual  
 16 orientation in the free exercise or enjoyment of any right or privilege secured to him or her by the  
 17 Constitution or laws of the State of West Virginia or by the Constitution or laws of the United  
 18 States, and in willful furtherance thereof to assemble with one or more persons for the purpose of  
 19 teaching any technique or means capable of causing property damage, bodily injury or death

20 when such person or persons intend to employ such techniques or means to violate this section,  
21 each such person shall be guilty of a felony and, upon conviction, shall be fined not more than  
22 \$5,000 or imprisoned in a state correctional facility not more than 10 years, or both fined and  
23 imprisoned.

24 (d) The fact that a person committed a felony or misdemeanor, or attempted to commit a  
25 felony, because of the victim's race, color, religion, ancestry, national origin, political affiliation or  
26 sex disability or sexual orientation, shall be considered a circumstance in aggravation of any crime  
27 in imposing sentence.

28 (e) Nothing contained in this section makes unlawful the teaching of any technique in self-  
29 defense.

30 (f) Nothing in this section ~~shall~~ may be construed so as to make it unlawful ~~not~~ to prohibit,  
31 ~~not, in any manner, to~~ impede or to interfere in any manner with any person in conducting labor  
32 union or labor union organizing activities

33 (g) The amendments to this section shall be known as "Angel's Law".

NOTE: The purpose of this bill is to prohibit violations of an individual's civil rights because of disability or sexual orientation. New definitions are added, and changes are to be known as "Angel's Law".

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