

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 2360**

BY DELEGATES PUSHKIN, SKAFF, WILLIAMS, YOUNG,

BARACH, ROWE, LOVEJOY, WALKER, AND HANSEN

[Introduced February 13, 2021; Referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §61-2-1 and §61-2-2 of the Code of West Virginia, as amended, all  
 2 relating to modifying the definition of first-degree murder to including the killing of a police  
 3 officer or corrections officer in the line of duty and adding a mandatory life sentence without  
 4 the possibility of parole for such a killing, to be known as the “Cassie Johnson Act.”

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

**ARTICLE 2. CRIMES AGAINST THE PERSON.**

**§61-2-1. First and second degree murder defined; allegations in indictment for homicide;  
killing of an officer in the line of duty.**

1 Murder by poison, lying in wait, imprisonment, starving, or by any willful, deliberate and  
 2 premeditated killing, or in the commission of, or attempt to commit, arson, kidnapping, sexual  
 3 assault, robbery, burglary, breaking and entering, escape from lawful custody, or a felony offense  
 4 of manufacturing or delivering a controlled substance as defined in ~~article four, chapter sixty-a~~  
 5 60A-4-1 et seq. of this code, is murder of the first degree. All other murder is murder of the second  
 6 degree.

7 In an indictment for murder and manslaughter, it shall not be necessary to set forth the  
 8 manner in which, or the means by which, the death of the deceased was caused, but it shall be  
 9 sufficient in every such indictment to charge that the defendant did feloniously, willfully,  
 10 maliciously, deliberately and unlawfully slay, kill and murder the deceased.

11 A murder of a peace officer or a corrections officer committed while the peace officer or  
 12 corrections officer is lawfully engaged in the performance of any of his or her duties as a peace  
 13 officer or corrections officer, knowing that the peace officer or corrections officer is a peace officer  
 14 or corrections officer engaged in the performance of his or her duty as a peace officer or  
 15 corrections officer, shall be classified as first-degree murder. This section shall be known as the  
 16 “Cassie Johnson Act,” in honor of Charleston Patrolwoman Cassie Johnson who was killed in the  
 17 line of duty.

**§61-2-2. Penalty for murder of first degree.**

1 Murder of the first degree shall be punished by confinement in ~~the penitentiary~~ a state  
2 correctional facility for life. A person who is found guilty of first-degree murder of a peace officer  
3 or corrections officer shall be confined in a state correctional facility for life without eligibility for  
4 parole.

NOTE: The purpose of this bill is to modify the definition of first-degree murder to include the killing of a police officer or corrections officer in the line of duty and to add a mandatory life sentence without the possibility of parole.

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