

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

Introduced

### House Bill 2378

FISCAL  
NOTE

BY DELEGATES WESTFALL, QUEEN AND HOTT

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

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §61-11-20, relating to providing enhanced criminal penalties for offenses  
 3 committed against law-enforcement officers or first responders; and defining first  
 4 responders.

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

**ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.**

**§61-11-20. Enhanced penalties for offenses committed against law-enforcement officers;  
 first responders.**

1 (a) The Legislature finds and declares the following:

2 (1) It is the right of every person employed as a law-enforcement officer or first responder,  
 3 to be secure and protected from threats of reasonable fear, intimidation, harassment, and physical  
 4 harm caused by activities of groups and individuals.

5 (2) It is not the intent, by enactment of this section, to interfere with the exercise of rights  
 6 protected by the Constitution of the State of West Virginia or the United States.

7 (b) The purpose of this section is to impose additional penalties where it is shown that a  
 8 perpetrator committing the underlying offense was motivated by the victim's employment as a  
 9 law-enforcement officer or first responder. For the purposes of this section, the term "first  
 10 responder" means a person with specialized training who is among the first to arrive and aid at  
 11 the scene of an emergency, such as an accident, natural disaster, or terrorism. First responders  
 12 typically include law-enforcement officers, Paramedics, EMT's and firefighters.

13 (c) A person who has been found guilty of a crime, the commission of which was shown  
 14 beyond a reasonable doubt to have been motivated by the victim's employment as a law-  
 15 enforcement officer or first responder, shall be punished as follows:

16 (1) Imprisoned in a state correctional facility for not less than 18 months nor more than 15  
 17 years.

18           (2) For purposes of this subdivision, a criminal defendant who has been previously  
19 convicted of any felony and receives an enhanced sentence pursuant to this section is also  
20 subject to enhanced punishment under §61-11-18 of this code, specifically §61-11-18(b), §61-11-  
21 18(c), and §61-11-18(d) of this code.

22           (d) A person, who has been found guilty of a misdemeanor crime the commission of which  
23 was shown beyond a reasonable doubt to have been motivated by the victim's employment as a  
24 law-enforcement officer or first responder, shall be punished as follows: Fined not more than  
25 \$1000 or confined in jail not less than three months nor more than one year, or both fined and  
26 confined.

NOTE: The purpose of this bill is to provide enhanced criminal penalties for offenses committed against law-enforcement officers or first responders and to define "first responders".

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