WEST virginia legislature

2021 regular session

Introduced

House Bill 2738

By Delegates Reynolds, Ferrell, Conley, Longanacre, Wamsley, Steele, B. Ward, Pinson and Riley

[Introduced February 24, 2021; Referred to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-18-1 and §55-18-2, all relating to creating the Bias Motivated Intimidation of Responders Protection Act; and authorizing a law-enforcement officer or first responder to bring a civil suit for damages, either pecuniary or otherwise, suffered during the officer’s performance of official duties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 18. Bias Motivated Intimidation of Responders Protection Act.

§55-18-1. Short title; first responder right to file civil action.

(a) This article may be known and cited as the “Bias Motivated Intimidation of First Responders Protection Act”.

(b) A first responded may bring a civil suit against any person, group of persons, organization, or corporation, or the head of an organization or corporation, for damages, either pecuniary or otherwise, suffered during the officer’s performance of official duties, for abridgment of the officer’s civil rights arising out of the officer’s performance of official duties, or for filing a complaint against the officer which the person knew was false when it was filed.

§55-18-2. Definition of terms.

As used in this article the term “first responder” means any firefighter of a municipal, county, or volunteer fire department, a law-enforcement officer as defined in §30-29-1 of this code and an emergency medical technician as defined in §16-4C-8 of this code.

NOTE: The purpose of this bill is to create the Bias Motivated Intimidation of Responders Protection Act authorizing a law-enforcement officer or first responder to bring a civil suit for damages, either pecuniary or otherwise, suffered during the officer’s performance of official duties.

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