

# **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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §55-18-1 and §55-18-2, all relating to creating the Bias Motivated Intimidation  
 3 of Responders Protection Act; and authorizing a law-enforcement officer or first responder  
 4 to bring a civil suit for damages, either pecuniary or otherwise, suffered during the officer’s  
 5 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.**

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

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

**§55-18-2. Definition of terms.**

8 As used in this article the term “first responder” means any firefighter of a municipal,  
 9 county, or volunteer fire department, a law-enforcement officer as defined in §30-29-1 of this code  
 10 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.