

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2729

BY DELEGATES WORRELL, MCGEEHAN, HARDY, PHILLIPS,

STEELE, DEAN, HOUSEHOLDER, D. JEFFRIES, MAYNARD,

J. JEFFRIES AND PAYNTER

[Introduced February 24, 2021; Referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating
 2 to crimes against the peace; offenses occurring at State Capitol Complex property; and
 3 permitting members of the Legislature, lawfully entitled to possess a firearm, to possess
 4 a firearm upon State Capitol Complex property.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-19. Willful disruption of governmental processes; offenses occurring at State Capitol Complex; penalties.

1 (a) If any person willfully interrupts or molests the orderly and peaceful process of any
 2 department, division, agency, or branch of state government or of its political subdivisions, he or
 3 she is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100,
 4 or confined in jail not more than six months, or both fined and confined: *Provided*, That any
 5 assembly in a peaceable, lawful, and orderly manner for a redress of grievances is not a violation
 6 of this section.

7 (b)(1) It is unlawful for any person to bring upon the State Capitol Complex any deadly
 8 weapon as defined in §61-7-2 of this code: *Provided*, That a person who may lawfully possess a
 9 firearm may keep a firearm in his or her motor vehicle upon the State Capitol Complex if the
 10 vehicle is locked and the weapon is out of normal view: *Provided, however*, That a person may
 11 not carry upon the State Capitol Complex, a cannister of pepper spray as defined in §61-7-2 of
 12 this code that exceeds one ounce: *Provided, further, That duly elected members of the*
 13 *Legislature, who may lawfully possess a firearm, may possess a firearm upon the State Capitol*
 14 *Complex for self-protection.* It is unlawful for any person to willfully deface any trees, wall, floor,
 15 stairs, ceiling, column, statue, monument, structure, surface, artwork, or adornment in the State
 16 Capitol Complex. It is unlawful for any person or persons to willfully block or otherwise willfully
 17 obstruct any public access, stair, or elevator in the State Capitol Complex after being asked by a
 18 law-enforcement officer acting in his or her official capacity to desist: *And Provided further, That*

19 in order to preserve the constitutional right of the people to assemble, it is not willful blocking or
20 willful obstruction for persons gathered in a group or crowd if the persons move to the side or part
21 to allow other persons to pass by the group or crowd to gain ingress or egress: *And provided*
22 *further*, That this subsection does not apply to a law-enforcement officer acting in his or her official
23 capacity.

24 (2) Any person who violates this subsection is guilty of a misdemeanor and, upon
25 conviction thereof, shall be fined not less than \$100, or confined in jail not more than six months,
26 or both fined and confined.

NOTE: The purpose of this bill is to permit members of the Legislature, lawfully entitled to possess a firearm, to possess a firearm upon State Capitol Complex property for self-protection.

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