WEST VIRGINIA LEGISLATURE

**FISCAL NOTE**

2022 REGULAR SESSION

Introduced

House Bill 4042

By Delegates Keaton, Pinson, Burkhammer, Barnhart, Crouse, Holstein and Sypolt

[Introduced January 12, 2022; Referred to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-60, relating to crimes against houses of worship, increasing criminal penalties for crimes against houses of worship, as defined by this section.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-60. Crimes against houses of worship.

(a) For purposes of this section:

“House of worship” shall mean a church, temple, synagogue, mosque, or other building or space set apart primarily for the purpose of worship, devotion, veneration or religious study;”

“Religious leader” shall mean any person of authority as employed or otherwise recognized by a house of worship.

“Religious artifact” shall mean an object that has historical, cultural, or religious significance and is held in the possession of a house of worship or religious leader.

(b) If a person is convicted of arson under §61-3-1, §61-3-2, §61-3-3, or §61-3-4 of this code and the subject dwelling is a house of worship as defined by this section, he or she shall be deemed guilty of a felony and, upon conviction, shall be imprisoned in a state correctional facility not less than 10 nor more than 30 years. A person imprisoned pursuant to this section is not eligible for parole prior to having served a minimum of four years of his or her sentence or the minimum period required by the provisions of §62-12-13 of this code, whichever is greater.

(c) If a person is convicted of breaking and entry of a building under section §61-3-12 of this code and the subject building is a house of worship as defined by this section, he or she shall be deemed guilty of a felony and, upon conviction, shall be imprisoned in a state correctional facility not less than three nor more than 15 years.

(d) If a person is convicted of destruction of property under section §61-3-30 of this code and the subject building is a house of worship as defined by this section, he or she shall be deemed guilty of a felony and, upon conviction, shall be fined not more than $2,500 and imprisoned shall be confined in a state correctional facility not less than five nor more than 15 years.

(e) If a person is guilty of larceny under §61-3-13 of this code and the stolen good or chattel is a religious artifact as defined by this section, such person is guilty of a felony, designated grand larceny, and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than five nor more than 15 years, and shall be fined not more than $2,500.

NOTE: The purpose of this bill is to increase criminal penalties for crimes against houses of worship.

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