

# WEST VIRGINIA LEGISLATURE

## 2022 REGULAR SESSION

Introduced

### House Bill 4042

FISCAL  
NOTE

BY DELEGATES KEATON, PINSON, BURKHAMMER,

BARNHART, CROUSE, HOLSTEIN AND SYPOLT

[Introduced January 12, 2022; 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 §61-3-60, relating to crimes against houses of worship, increasing criminal  
3 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.**

4 (a) For purposes of this section:

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

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

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

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

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

21 (d) If a person is convicted of destruction of property under section §61-3-30 of this code  
22 and the subject building is a house of worship as defined by this section, he or she shall be  
23 deemed guilty of a felony and, upon conviction, shall be fined not more than \$2,500 and

24 imprisoned shall be confined in a state correctional facility not less than five nor more than 15  
25 years.

26 (e) If a person is guilty of larceny under §61-3-13 of this code and the stolen good or  
27 chattel is a religious artifact as defined by this section, such person is guilty of a felony, designated  
28 grand larceny, and, upon conviction thereof, shall be imprisoned in a state correctional facility not  
29 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.