

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 291

By Senators Maynard, Smith, Rucker, Hamilton, and

Karnes

[Introduced January 18, 2023; 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 to
2 eliminating the restriction to carry a firearm on the State Capitol Complex grounds.

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, or
4 confined in jail not more than six months, or both fined and confined: *Provided*, That any assembly
5 in a peaceable, lawful, and orderly manner for a redress of grievances is not a violation of this
6 section.

7 (b) (1) It is unlawful for any person to bring ~~upon the~~ into any State Capitol Complex
8 building any deadly weapon as defined in §61-7-2 of this code: *Provided*, That a person who may
9 lawfully possess a firearm may keep a firearm in his or her motor vehicle upon the State Capitol
10 Complex if the vehicle is locked and the weapon is out of normal view: *Provided, however*, That a
11 person may not carry upon the State Capitol Complex, a cannister of pepper spray as defined in
12 §61-7-2 of this code that exceeds one ounce. It is unlawful for any person to willfully deface any
13 trees, wall, floor, stairs, ceiling, column, statue, monument, structure, surface, artwork, or
14 adornment in the State Capitol Complex. It is unlawful for any person or persons to willfully block
15 or otherwise willfully obstruct any public access, stair, or elevator in the State Capitol Complex
16 after being asked by a law-enforcement officer acting in his or her official capacity to desist:
17 *Provided further*, That in order to preserve the constitutional right of the people to assemble, it is
18 not willful blocking or willful obstruction for persons gathered in a group or crowd if the persons
19 move to the side or part to allow other persons to pass by the group or crowd to gain ingress or

20 egress: *And Provided further*, That this subsection does not apply to a law-enforcement officer
21 acting in his or her official capacity.

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

NOTE: The purpose of this bill is to eliminate the restriction to carry a firearm on the state capitol complex grounds.

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