

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 612

By Senator Rucker

[Introduced January 31, 2024; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §61-5-17a of the Code of West Virginia, 1931, as amended, relating
 2 to establishing a criminal offense for knowingly, willfully, and forcibly obstructing or
 3 hindering a home incarceration supervisor or a social service worker while they are lawfully
 4 acting in their official capacity and the obstructing or hindering causes their death;
 5 establishing criminal penalty therefor of imprisonment in a state correctional facility for 15
 6 years to life; and providing definitions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

§61-5-17a. Obstructing a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel causing death; penalty.

1 (a) Notwithstanding any provision of this code to the contrary, any person who knowingly,
 2 willfully, and forcibly obstructs or hinders a law-enforcement officer, probation officer, parole
 3 officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or
 4 assistant fire marshal, firefighter, or emergency medical service personnel, home incarceration
 5 supervisor, or social service worker lawfully acting in his or her official capacity and thereby
 6 proximately causes the death of a law-enforcement officer, probation officer, parole officer,
 7 courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire
 8 marshal, firefighter, or emergency medical service personnel, home incarceration supervisor, or
 9 social service worker so acting, is guilty of a felony, and upon conviction thereof, shall be
 10 imprisoned in a state correctional facility for a term of 15 years to life.

11 (b) For purposes of this section:

12 (1) "~~forcibly~~" "Forcibly" means actions which involve the use of physical force;

13 (2) "Home incarceration supervisor" means a person employed to supervise persons in
 14 home incarceration through a home incarceration program; and

- 15 (3) "Social services worker" means a person employed by a governmental or private entity
16 to provide social services such as investigating allegations of child or adult abuse or neglect,
17 working with delinquent youth, and providing mental health and educational assistance through
18 field work and home visits.

NOTE: The purpose of this bill is to establish a criminal offense for knowingly, willfully, and forcibly obstructing or hindering home incarceration supervisors and social service workers while they are lawfully acting in their official capacity and the obstructing or hindering causes their death; establishing criminal penalty therefor of imprisonment in a state correctional facility for 15 years to life.

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