

No: 301

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



ENROLLED

Committee Substitute for
SENATE BILL NO. 301

(By Senator *Boettner and Holliday*)



PASSED March 14 1987

In Effect from Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 301

(SENATORS BOETTNER AND HOLLIDAY, *original sponsors*)

[Passed March 14, 1987; in effect from passage.]

AN ACT to amend article six, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-one, relating to certain crimes against the peace of the state; prohibiting violations of an individual's civil rights by reason of that individual's race, color, religion, ancestry, national origin, political affiliation or sex; prohibiting the use or threat of force to interfere or attempt to interfere with such rights of another person for any such reason; prohibiting conspiracies to injure, oppress, threaten, intimidate or interfere with such rights and to further any such conspiracy by teaching others in the techniques of so doing; providing for certain exceptions; and providing for penalties for violations of said section.

Be it enacted by the Legislature of West Virginia:

That article six, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-one, to read as follows:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-21. Prohibiting violations of an individual's civil rights; penalties.

- 1 (a) All persons within the boundaries of the state of
- 2 West Virginia have the right to be free from any violence, or

3 intimidation by threat of violence, committed against their
4 persons or property because of their race, color, religion,
5 ancestry, national origin, political affiliation or sex.

6 (b) If any person does by force or threat of force,
7 willfully injure, intimidate or interfere with, or attempt to
8 injure, intimidate or interfere with, or oppress or threaten
9 any other person in the free exercise or enjoyment of any
10 right or privilege secured to him or her by the Constitution
11 or laws of the state of West Virginia or by the Constitution
12 or laws of the United States, because of such other person's
13 race, color, religion, ancestry, national origin, political
14 affiliation or sex, he or she shall be guilty of a felony and,
15 upon conviction, shall be fined not more than five thousand
16 dollars or imprisoned not more than ten years, or both.

17 (c) If any person conspires with another person or
18 persons to willfully injure, oppress, threaten, or intimidate
19 or interfere with any citizen because of such other person's
20 race, color, religion, ancestry, national origin, political
21 affiliation or sex in the free exercise or enjoyment of any
22 right or privilege secured to him or her by the Constitution
23 or laws of the state of West Virginia or by the Constitution
24 or laws of the United States, and in willfull furtherance
25 thereof to assemble with one or more persons for the
26 purpose of teaching any technique or means capable of
27 causing property damage, bodily injury or death when such
28 person or persons intend to employ such techniques or
29 means to violate this section, each such person shall be
30 guilty of a felony and, upon conviction, shall be fined not
31 more than five thousand dollars or imprisoned not more
32 than ten years, or both.

33 (d) The fact that a person committed a felony or
34 misdemeanor, or attempted to commit a felony, because of
35 the victim's race, color, religion, ancestry, national origin,
36 political affiliation or sex, shall be considered a
37 circumstance in aggravation of any crime in imposing
38 sentence.

39 (e) Nothing contained in this section makes unlawful
40 the teaching of any technique in self-defense.

41 (f) Nothing in this section shall be construed so as to
42 make it unlawful nor to prohibit nor, in any manner, to
43 impede or to interfere with any person in conducting labor
44 union or labor union organizing activities.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Whieim
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originated in the Senate.

In effect from passage.

John C. Mullis
Clerk of the Senate

Donald R. Poff
Clerk of the House of Delegates

David T. ...
President of the Senate

...
Speaker House of Delegates

The within *approved* this the *24th*
March
day of ..., 1987.

Arthur A. Shreve Jr.
Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/87

Time 1:41 p.m.

RECEIVED

197 MAR 20 11:10:24

STATIONER
STATIONER