

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*)

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

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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. Williams*  
.....  
Chairman Senate Committee

*Bernard V. Kelly*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Sold C. Hulls*  
.....  
Clerk of the Senate

*Daniel R. Poff*  
.....  
Clerk of the House of Delegates

*Sam Fordham*  
.....  
President of the Senate

*Tommy R. Blanton*  
.....  
Speaker House of Delegates

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

*Arha Shreve Jr.*  
.....  
Governor



PRESENTED TO THE  
GOVERNOR  
Date 3/19/87  
Time 1:41 p.m.

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SECRETARY OF THE ARMY