WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

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ENROLLED

Com. Sub. for

HOUSE BILL No. 2702

(By Delegate

Beane)

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Passed

MARCH 11, 1995

In Effect 90 days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2702
(BY DELEGATE BEANE)

[Passed March 11, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact section seventeen, article five, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to providing that fleeing from an officer attempting to make a lawful arrest is a misdemeanor; and providing for penalties.

Be it enacted by the Legislature of West Virginia:

That section seventeen, article five, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.
§61-5-17. Obstructing officer; fleeing from officer; penalty.

(a) Any person who by threats, menaces, acts or otherwise, shall forcibly or illegally hinder, obstruct, or oppose, or attempt to obstruct or oppose, or shall counsel, advise or invite others to hinder, obstruct or oppose any officer in this state (whether civil or military) in the lawful exercise or discharge of his official duty, shall, for every such offense, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than five hundred dollars, and may, in the discretion
of the court, be imprisoned not exceeding one year.

(b) If any person intentionally flees from or attempts to flee from any officer in this state (whether civil or military) who is attempting to make a lawful arrest of such person, and the person knows or reasonably believes that the officer is attempting to arrest him or her, he or she is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than five hundred dollars, and may, in the discretion of the court, be imprisoned for a term not exceeding twelve months.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within ________________ this the ________

day of ______________________, 1995.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/8/95
Time 2:45 PM