

HB 2475

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SENATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2475

(By Delegates C. White, Hubbard,
Dempsey and Davis)



Passed March 12, 1999

In Effect Ninety Days from Passage

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FOR

H. B. 2475

(BY DELEGATES C. WHITE, HUBBARD,
DEMPSEY AND DAVIS)

[Passed March 12, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact section fifteen, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to assault or battery of a school employee; and adding assault or battery of an off duty school employee when the motive for the assault or battery is retaliation for an action taken by the employee to supervise or discipline one or more pupils.

Be it enacted by the Legislature of West Virginia:

That section fifteen, article two, 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 2. CRIMES AGAINST THE PERSON.

§61-2-15. Assault, battery on school employees; penalties.

- 1 (a) If any person commits an assault: (1) By unlawfully
- 2 attempting to commit a violent injury to the person of a school

3 employee while he or she is engaged in the performance of his
4 or her duties, is commuting to or from his or her place of
5 employment or if the motive for the assault is retaliation for
6 some action taken by the employee to supervise or discipline
7 one or more pupils pursuant to sections one or one-a, article
8 five, chapter eighteen-a of this code; or (2) by unlawfully
9 committing an act which places a school employee in reason-
10 able apprehension of immediately receiving a violent injury
11 while the employee is engaged in the performance of his or her
12 duties, is commuting to or from his or her place of employment
13 or if the motive for the assault is retaliation for some action
14 taken by the employee to supervise or discipline one or more
15 pupils pursuant to sections one or one-a, article five, chapter
16 eighteen-a of this code, he or she is guilty of a misdemeanor
17 and, upon conviction thereof, shall be confined in the county or
18 regional jail not less than five days nor more than six months
19 and fined not less than fifty dollars nor more than one hundred
20 dollars.

21 (b) If any person commits a battery: (1) By unlawfully and
22 intentionally making physical contact of an insulting or
23 provoking nature with the person of a school employee while he
24 or she is engaged in the performance of his or her duties, is
25 commuting to or from his or her place of employment or if the
26 motive for the battery is retaliation for some action taken by the
27 employee to supervise or discipline one or more pupils pursuant
28 to sections one or one-a, article five, chapter eighteen-a of this
29 code; or (2) by unlawfully and intentionally causing physical
30 harm to a school employee while he or she is engaged in the
31 performance of his or her duties, is commuting to or from his or
32 her place of employment or if the motive for the battery is
33 retaliation for some action taken by the employee to supervise
34 or discipline one or more pupils pursuant to sections one or
35 one-a, article five, chapter eighteen-a of this code, he or she is
36 guilty of a misdemeanor and, upon conviction thereof, shall be
37 confined in the county or regional jail not less than ten days nor
38 more than twelve months and fined not less than one hundred
39 dollars nor more than five hundred dollars.

40 (c) For the purposes of this section, "school employee"
41 means a person employed by a county board of education
42 whether employed on a regular full-time basis, an hourly basis
43 or otherwise. For the purposes of this section, a "school
44 employee" includes a student teacher.

Carl P. [unclear]

Enr. Com. Sub. for H. B. 2475] 4

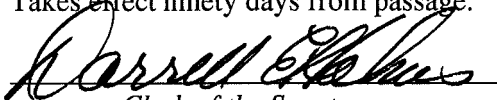
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

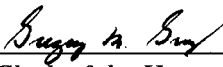

Chairman Senate Committee

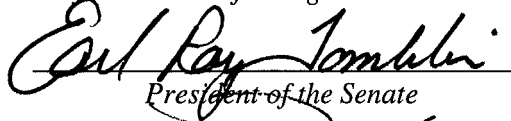

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

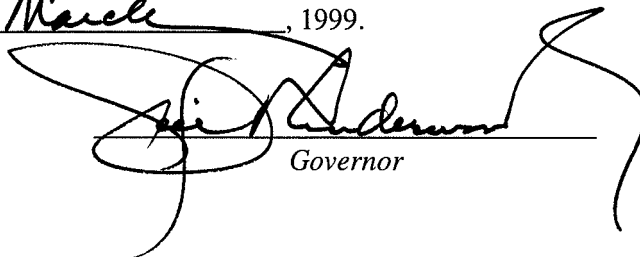

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 3/5
day of March, 1999.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/99

Time 2:41 pm