WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2004

ENROLLED

House Bill No. 4658
(By Delegates Stemple and Faircloth)

Passed March 13, 2004
In Effect Ninety Days from Passage
AN ACT to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-21, relating to defense of property; providing limited immunity from civil liability; and exceptions.

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §55-7-21, to read as follows:

ARTICLE 7. ACTIONS FOR INJURIES.

§55-7-21. Civil immunity to persons resisting criminal activities.

1 (a) Any person who unlawfully enters upon the property of another for purposes of engaging in criminal conduct assumes the risk for any injury caused to him or her by the reasonable and proportionate acts of the owner or his agent in resisting the commission of the criminal conduct.
6 (b) The provisions of this section do not apply to the
7 creation of a hazardous or dangerous condition on the property
8 designed to prevent criminal conduct or cause injury to a person
9 engaging in criminal conduct.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Greg Butcher
Chairman House Committee

Originating in the House.

In 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 is approved this the 2nd day of April, 2004.

Governor