

FILED

2004 APR -2 P 4:59

CURTIS WEST VIRGINIA  
SECRETARY OF STATE

# 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

FILED

2004 APR -2 P 5: 00

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

## ENROLLED

### H. B. 4658

(BY DELEGATES STEMPLE AND FAIRCLOTH)

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[Passed March 13, 2004; in effect ninety days from passage.]

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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:

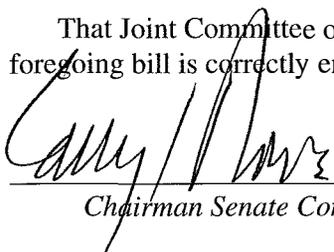
#### **ARTICLE 7. ACTIONS FOR INJURIES.**

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

- 1 (a) Any person who unlawfully enters upon the property of
- 2 another for purposes of engaging in criminal conduct assumes
- 3 the risk for any injury caused to him or her by the reasonable
- 4 and proportionate acts of the owner or his agent in resisting the
- 5 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.

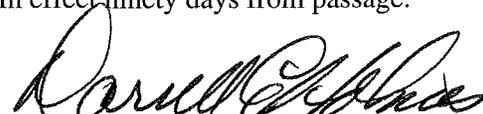
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

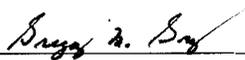
  
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Chairman Senate Committee

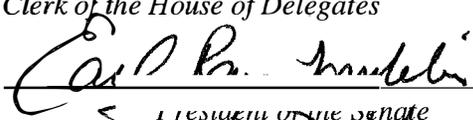
  
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Chairman House Committee

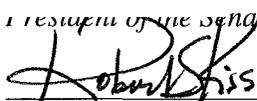
Originating in the House.

In effect ninety days from passage.

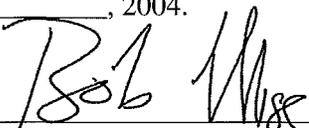
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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Clerk of the Senate

  
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Speaker of the House of Delegates

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

  
\_\_\_\_\_  
Governor

3/26/04  
4:00p