

FILED

2010 MAR 18 PM 3:39

OFFICE OF THE WEST VIRGINIA  
SECRETARY OF STATE

SB 215

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-NINTH LEGISLATURE**  
**REGULAR SESSION, 2010**

—•—  
**ENROLLED**

**COMMITTEE SUBSTITUTE**

**FOR**

**Senate Bill No. 215**

**(SENATORS TOMBLIN (MR. PRESIDENT) AND CARUTH,**  
**BY REQUEST OF THE EXECUTIVE)**

[Passed March 9, 2010; in effect ninety days from passage.]

FILE

2010 MAR 18 PM 3:39

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 215**

(SENATORS TOMBLIN (MR. PRESIDENT) AND CARUTH,

BY REQUEST OF THE EXECUTIVE)

[Passed March 9, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to expanding certain crimes against governmental representatives and health care providers to include emergency service personnel; and defining certain terms.

*Be it enacted by the Legislature of West Virginia:*

That §61-2-10b of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. CRIMES AGAINST THE PERSON.**

**§61-2-10b. Malicious assault; unlawful assault; battery; and assault on governmental representatives, health care providers, and emergency medical service personnel; definitions; penalties.**

1 (a) For purposes of this section:

2 (1) "Government representative" means any officer or  
3 employee of the state or a political subdivision thereof, or  
4 a person under contract with a state agency or political  
5 subdivision thereof.

6 (2) "Health care worker" means any nurse, nurse practi-  
7 tioner, physician, physician assistant or technician prac-  
8 ticing at, and all persons employed by or under contract to  
9 a hospital, county or district health department, long-term  
10 care facility, physician's office, clinic or outpatient  
11 treatment facility.

12 (3) "Emergency service personnel" means any paid or  
13 volunteer firefighter, emergency medical technician,  
14 paramedic, or other emergency services personnel em-  
15 ployed by or under contract with an emergency medical  
16 service provider or a state agency or political subdivision  
17 thereof.

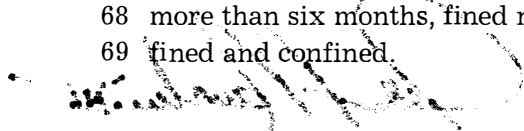
18 (b) *Malicious assault.* – Any person who maliciously  
19 shoots, stabs, cuts or wounds or by any means causes  
20 bodily injury with intent to maim, disfigure, disable or kill  
21 a government representative, health care worker or  
22 emergency service personnel acting in his or her official  
23 capacity, and the person committing the malicious assault  
24 knows or has reason to know that the victim is acting in  
25 his or her official capacity is guilty of a felony and, upon  
26 conviction thereof, shall be confined in a correctional  
27 facility for not less than three nor more than fifteen years.

28 (c) *Unlawful assault.* – Any person who unlawfully but  
29 not maliciously shoots, stabs, cuts or wounds or by any  
30 means causes a government representative, health care  
31 worker or emergency service personnel acting in his or her  
32 official capacity bodily injury with intent to maim,  
33 disfigure, disable or kill him or her and the person com-  
34 mitting the unlawful assault knows or has reason to know  
35 that the victim is acting in his or her official capacity is  
36 guilty of a felony and, upon conviction thereof, shall be

37 confined in a correctional facility for not less than two nor  
38 more than five years.

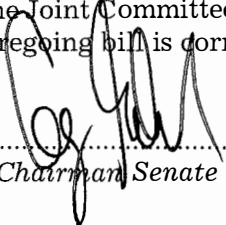
39 (d) *Battery*. – Any person who unlawfully, knowingly  
40 and intentionally makes physical contact of an insulting or  
41 provoking nature with a government representative,  
42 health care worker or emergency service personnel acting  
43 in his or her official capacity, or unlawfully and intention-  
44 ally causes physical harm to that person acting in such  
45 capacity, is guilty of a misdemeanor and, upon conviction  
46 thereof, shall be fined not more than \$500 or confined in  
47 jail not less than one month nor more than twelve months  
48 or both fined and confined. If any person commits a  
49 second such offense, he or she is guilty of a felony and,  
50 upon conviction thereof, shall be fined not more than  
51 \$1,000 or imprisoned in a state correctional facility not  
52 less than one year nor more than three years, or both fined  
53 and imprisoned. Any person who commits a third viola-  
54 tion of this subsection is guilty of a felony and, upon  
55 conviction thereof, shall be fined not more than \$2,000 or  
56 imprisoned in a state correctional facility not less than  
57 two years nor more than five years, or both fined and  
58 imprisoned.


59 (e) *Assault*. – Any person who unlawfully attempts to  
60 commit a violent injury to the person of a government  
61 representative, health care worker or emergency service  
62 personnel acting in his or her official capacity, or unlaw-  
63 fully commits an act which places that person acting in his  
64 or her official capacity in reasonable apprehension of  
65 immediately receiving a violent injury, is guilty of a  
66 misdemeanor and, upon conviction thereof, shall be  
67 confined in jail for not less than twenty-four hours nor  
68 more than six months, fined not more than \$200, or both  
69 fined and confined.



Enr. Com. Sub. for S. B. No. 215] 4

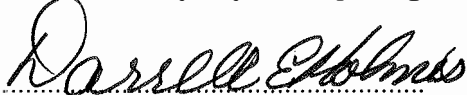
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

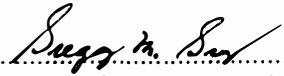
  
.....  
Chairman Senate Committee

  
.....  
Chairman House Committee

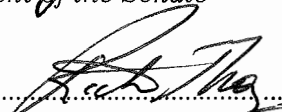
Originated in the Senate.

In effect ninety days from passage.

  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within is approved ..... this the 18<sup>th</sup>  
Day of May ....., 2010.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 17 2010

Time Gilbert