

HB 3105

FILED

2011 APR -5 PM 3: 12

WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2011



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 3105**

(By Delegates Lawrence, Smith, Ellem, Ferro,  
Pino, M. Poling and D. Campbell)



Passed March 12, 2011

In Effect Ninety Days From Passage

FILED

2011 APR -5 PM 3: 12

OFFICE OF THE CLERK  
SECRETARY OF STATE

# ENROLLED

COMMITTEE SUBSTITUTE

FOR

## H. B. 3105

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(BY DELEGATES LAWRENCE, SMITH, ELLEM, FERRO,  
PINO, M. POLING AND D. CAMPBELL)

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[Passed March 12, 2011; 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 §55-7-26, relating to immunity from civil and criminal liability for first responders who use forced entry in response to a 911 call.

*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 §55-7-26, to read as follows:

### ARTICLE 7. ACTIONS FOR INJURIES.

**§55-7-26. First responders who use forced entry in response to 911 call; limited immunity from civil and criminal liability.**

1 (a) "First responder" includes: law-enforcement officers,  
2 firefighters, emergency medical services personnel and others  
3 that respond to calls for emergency medical assistance.

4 (b) Neither a first responder nor his or her supervisor,  
5 agency, employer or supervising entity is liable for any civil  
6 damages or criminal liability resulting from a forcible entry  
7 of a home, business or other structure if the first responder:

8 (1) Is responding to a documented 911 call for emergency  
9 medical assistance;

10 (2) Has made reasonable efforts to summon an occupant  
11 of the home, business, or structure by knocking or otherwise  
12 notifying the occupant(s) of his or her presence;

13 (3) Has not received a response from an occupant within  
14 a reasonable period of time; and

15 (4) Has a good faith belief that it is necessary to make a  
16 forcible entry for the purposes of rendering emergency  
17 medical assistance or preventing imminent bodily harm.

18 (c) Nothing in this section shall affect the standard of care  
19 a first responder must employ when rendering aid after  
20 gaining entry.

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

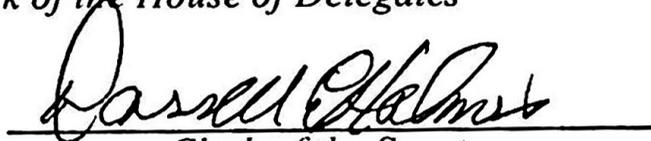
  
Chairman, House Committee

  
Chairman, Senate Committee

Originating in the House.

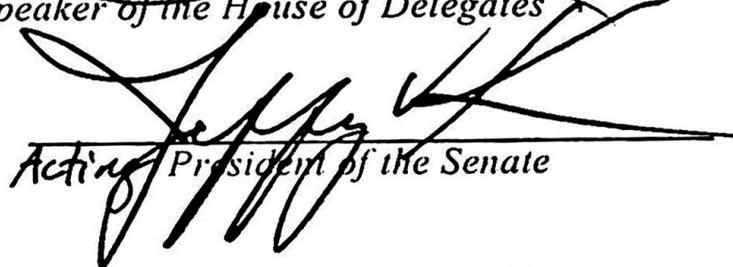
To take effect ninety days from passage.

  
Clerk of the House of Delegates

  
Clerk of the Senate

FILED  
2011 APR -5 PM 3:12  
JONNA  
OFFICE OF THE  
SECRETARY OF STATE

  
Speaker of the House of Delegates

  
Acting President of the Senate

The within is approved this the 5th  
day of April, 2011.

  
Governor

PRESENTED TO THE GOVERNOR

MAR 3 1 2011

Time 11:30 am  
EJL