

# WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

**ENROLLED**

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

2023 MAR 13 P 5:55

FILED

**Committee Substitute**

**for**

**Senate Bill 490**

BY SENATORS DEEDS, HAMILTON, HUNT, JEFFRIES,  
KARNES, MARONEY, MARTIN, PHILLIPS, STUART, TRUMP  
WELD, WOODRUM, PLYMALE, SWOPE, ROBERTS, GRADY,  
NELSON, AND TAYLOR

[Passed March 06, 2023; in effect 90 days from  
passage (June 4, 2023)]

SB 490

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[Passed March 06, 2023; in effect 90 days from  
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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

2023 MAR 13 P 5:56

FILED

1 AN ACT to amend the Code of West Virginia 1931, as amended, by adding thereto a new section,  
2 designated §61-5-17a, relating to creating the offense of obstructing a law-enforcement  
3 officer, probation officer, parole officer, courthouse security officer, correctional officer, the  
4 State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical  
5 service personnel causing death; requiring proof of knowingly, willfully and forcibly  
6 obstructing or hindering a law enforcement officer, probation officer, parole officer,  
7 courthouse security officer, correctional officer, the State Fire Marshal, a deputy or  
8 assistant fire marshal, firefighter, or emergency medical service personnel engaged in  
9 their official capacity and thereby proximately causing the death of the person acting in his  
10 or her official capacity; establishing the criminal penalty therefor as life imprisonment with  
11 parole eligibility after service of 15 years; and providing a definition.

12 *PREAMBLE: THIS LAW IS DESIGNATED AND MAY BE REFERRED TO AS THE PATROL*  
13 *OFFICER CASSIE MARIE JOHNSON MEMORIAL ACT.*

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

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

### **ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.**


**§61-5-17a. Obstructing a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel causing death; penalty.**

1 (a) Notwithstanding any provision of this code to the contrary, any person who knowingly,  
2 willfully, and forcibly obstructs or hinders a law-enforcement officer, probation officer, parole  
3 officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or  
4 assistant fire marshal, firefighter, or emergency medical service personnel lawfully acting in his  
5 or her official capacity and thereby proximately causes the death of a law-enforcement officer,

6 probation officer, parole officer, courthouse security officer, correctional officer, the State Fire  
7 Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel  
8 so acting, is guilty of a felony, and upon conviction thereof, shall be imprisoned in a state  
9 correctional facility for a term of 15 years to life.

10 (b) For purposes of this section, "forcibly" means actions which involve the use of physical  
11 force.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.


  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

FILED  
2023 MAR 13 P 5:56  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

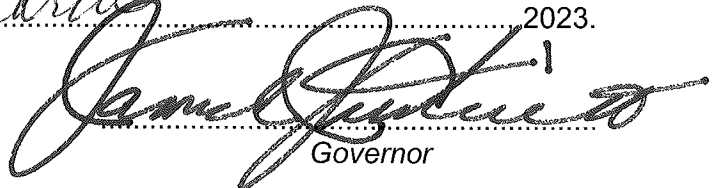
Originated in the Senate.

In effect 90 days from passage.

  
.....  
President of the Senate

  
.....  
Speaker of the House of Delegates

The within is approved this the 13th  
Day of March 2023.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 08 2023

Time 9:11am