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)]
AN ACT to amend the Code of West Virginia 1931, as amended, by adding thereto a new section, designated §61-5-17a, relating to creating the offense of 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; requiring proof of knowingly, willfully and forcibly obstructing or hindering 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 engaged in their official capacity and thereby proximately causing the death of the person acting in his or her official capacity; establishing the criminal penalty therefor as life imprisonment with parole eligibility after service of 15 years; and providing a definition.

PREAMBLE: THIS LAW IS DESIGNATED AND MAY BE REFERRED TO AS THE PATROL 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.

(a) Notwithstanding any provision of this code to the contrary, any person who knowingly, willfully, and forcibly obstructs or hinders 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 lawfully acting in his or her official capacity and thereby proximately causes the death of 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
so acting, is guilty of a felony, and upon conviction thereof, shall be imprisoned in a state
correctional facility for a term of 15 years to life.

(b) For purposes of this section, "forcibly" means actions which involve the use of physical
force.
The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

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

[Signature]
Governor