

HB 5198 -- Redline

Committee Substitute to hb5198 hfat akers 2-21 adopted.htm -- Relating to crimes against the intellectually disabled

Deletions ~~struck~~ · Insertions underlined

~~WEST~~HB5198 VIRGINIA~~HFAT LEGISLATURE~~Akers REGULAR~~2-21~~WRV SESSION~~3133 Delegate ENGROSSED~~Akers
~~Committee~~moved ~~Substituteto~~ foramend ~~House~~the ~~Bill~~bill ~~5198~~by ~~By~~striking ~~Delegates~~out ~~Shamblin,~~the
~~Hall,~~title ~~Akers, Worrell, Ellington, Ferrell, Dittman, Moore, Masters, and Flanigan~~substituting
~~{Originatingtherefor in~~a ~~the~~new ~~Committee~~title, ~~onto~~theread ~~Judiciary;~~as follows:H.
~~ReportedB.~~ on February 17, 2026] ~~Eng CS for HB 5198 A BILL to amend and reenact Sec.61-6-21 of the Code~~
~~of West Virginia, 1931, as amended, relating to prohibiting violations of an individual's civil rights;~~
~~clarify5198 that_ persons~~"A withBILL ato disability ~~amend~~ areand ~~included~~reenact ~~Sec.61-6-21 of the Code~~
~~of West Virginia, 1931, as a~~amended, ~~protected~~relating classto ~~in~~prohibiting the ~~violations~~ section; ~~of an~~
~~individual's civil rights;~~
clarifying that persons with a disability are included as a protected class in the section;
and creating criminal ~~penalties.~~penalties." ~~Adopted~~Rejected
~~Be it enacted by the Legislature of West Virginia:~~
~~ARTICLE 6.~~
~~CRIMES AGAINST THE PEACE.~~
~~Sec.61-6-21.~~
~~Prohibiting violations of an individual's civil rights;~~
~~penalties.~~
~~(a) All persons within the boundaries of the State of West Virginia have the right to be free from any~~
~~violence, or intimidation by threat of violence, committed against their persons or property because of~~
~~their race, color, religion, ancestry, national origin, political affiliation, or sex, or disability.~~
~~(b) If any person does by force or threat of force, willfully injure, intimidate or interfere with, or~~
~~attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the free~~
~~exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of the~~
~~State of West Virginia or by the Constitution or laws of the United States, because of such other~~
~~person's race, color, religion, ancestry, national origin, political affiliation, or sex, or disability,~~
~~he or she shall be guilty of a felony, and, upon conviction, shall be fined not more than \$5,000 or~~
~~imprisoned not more than ten years, or both.~~
~~(c) If any person conspires with another person or persons to willfully injure, oppress, threaten, or~~
~~intimidate or interfere with any citizen because of such other person's race, color, religion, ancestry,~~
~~national origin, political affiliation, or sex, or disability in the free exercise or enjoyment of any~~
~~right or privilege secured to him or her by the Constitution or laws of the State of West Virginia or by~~
~~the Constitution or laws of the United States, and in willful furtherance thereof to assemble with one~~
~~or more persons for the purpose of teaching any technique or means capable of causing property damage,~~
~~bodily injury or death when such person or persons intend to employ such techniques or means to violate~~
~~this section, each such person shall be guilty of a 1 Eng CS for HB 5198 felony, and, upon conviction,~~
~~shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.~~
~~(d) The fact that a person committed a felony or misdemeanor, or attempted to commit a felony, because~~
~~of the victim's race, color, religion, ancestry, national origin, political affiliation, or sex, or~~
~~disability shall be considered a circumstance in aggravation of any crime in imposing sentence.~~
~~(e) Nothing contained in this section makes unlawful the teaching of any technique in self- defense.~~
~~(f) Nothing in this section shall be construed so as to make it unlawful nor to prohibit nor, in any~~
~~manner, to impede or to interfere with any person in conducting labor union or labor union organizing~~
~~activities.~~
~~(g) For purposes of this section, " disability" has the same meaning as that term is defined in Sec.16B-~~
~~17-3 of this code.~~