

bill to repeal the state capitol complex weapons ban

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[Effective from passage]

A BILL to amend and reenact §61-6-19 of the code of West Virginia, 1931, as amended, relating to repealing the prohibition on bringing deadly weapons upon the state capitol complex.

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

That §61-6-19 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 6. CRIMES AGAINST THE PEACE.**

**§61-6-19. Willful disruption of governmental processes; offenses occurring at state capitol complex; penalties.**

(a) ~~If any~~ No person may willfully ~~interrupts or molests~~ interrupt or molest the orderly and peaceful process of any department, division, agency or branch of state government or of its political subdivisions, ~~he or she is guilty of a misdemeanor~~

1 ~~and, upon conviction thereof, shall be fined not more than one~~  
2 ~~hundred dollars, or imprisoned in the county or regional jail~~  
3 ~~not more than six months, or both fined and imprisoned:~~  
4 *Provided*, That any assembly in a peaceable, lawful and orderly  
5 manner for a redress of grievances shall not be a violation of  
6 this ~~section~~ subsection. Any person who violates this subsection  
7 is guilty of a misdemeanor and, upon conviction thereof, shall  
8 be fined not more than one hundred dollars, confined in jail for  
9 not more than six months, or both.

10 (b) ~~It is unlawful for any person to bring upon the state~~  
11 ~~capitol complex any weapon as defined by the provisions of~~  
12 ~~section two, article seven of this chapter. It is unlawful for~~  
13 ~~any~~ No person ~~to~~ may willfully deface any trees, wall, floor,  
14 stairs, ceiling, column, statue, monument, structure, surface,  
15 artwork or adornment in the state capitol complex. ~~It is~~  
16 ~~unlawful for any~~

17 (c) No person or persons to other than a law-enforcement  
18 officer acting in his or her official capacity may willfully  
19 block or otherwise willfully obstruct any public access, stair  
20 or elevator in the state capitol complex after being asked by a  
21 law-enforcement officer acting in his or her official capacity  
22 to desist: *Provided*, That in order to preserve the  
23 constitutional right of the people to assemble, it is not  
24 willful blocking or willful obstruction for persons gathered in

1 a group or crowd, if the persons move to the side or part to  
2 allow other persons to pass by the group or crowd to gain  
3 ingress or egress: ~~Provided, however, That this subsection shall~~  
4 ~~not apply to a law enforcement officer acting in his or her~~  
5 ~~official capacity.~~

6 (d) Any person who violates any provision of this  
7 ~~subsection~~ section for which another penalty is not provided is  
8 guilty of a misdemeanor and, upon conviction thereof, shall be  
9 fined not less than one hundred dollars, ~~or~~ or confined in ~~the~~  
10 ~~county or regional~~ jail for not more than six months, or both.

NOTE: The purpose of this bill is to repeal the prohibition on bringing weapons upon the state capitol complex.

Strike-throughs indicate language which would be eliminated; underscoring indicates new language which would be added.

This bill was proposed by Jim Mullins <[jmullins@wvcdl.org](mailto:jmullins@wvcdl.org)>