

West Virginia Legislation: The Criminalization of Peaceful Protests against Oil and Gas “Critical Infrastructure”. Anti-protest Bills

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Region: [USA](#)

Theme: [Law and Justice](#), [Oil and Energy](#),
[Police State & Civil Rights](#)

2020 [HB 4615](#)

- Introduced and referred to House Judiciary Committee on January 30, 2020

[ICNL analysis](#):

Would heighten the penalties for protests near oil and gas pipelines and other infrastructure. Under the bill, knowingly trespassing on property containing a critical infrastructure facility is punishable by a year in jail and a \$500 fine. Criminal trespass on critical infrastructure property with intent to “vandalize, deface, tamper with equipment, or impede or inhibit operations” of the facility is a felony punishable by up to three years in prison and a \$1,000 fine. Actually vandalizing, defacing, or tampering with the facility—regardless of actual damage—is a felony punishable by 5 years in prison and a \$2,000 fine. An individual convicted of any of the offenses, and any entity that “compensates, provides consideration to or remunerates” a person for committing the offenses, is also civilly liable for any damage sustained. An organization or person found to have “conspired” to commit any of the offenses—regardless of whether they were committed—is subject to a criminal fine. The bill newly defines “critical infrastructure facility” under West Virginia law to include a range of oil, gas, electric, water, telecommunications, and railroad facilities that are fenced off or posted with signs indicating that entry is prohibited.

Industry Lobbying

The state of West Virginia does not require lobbyists or companies to disclose positions taken on specific legislation.

A list of registered lobbyists [[PDF download](#)] as of January 30, 2020 includes several lobbyists for companies and groups that have supported similar bills in other states, including the following companies.

- American Petroleum Institute (API)
- American Fuel & Petrochemical Manufacturers (AFPM)
- Dominion Energy
- Dow Chemical
- Enbridge
- ExxonMobil

- Marathon Petroleum
- TransCanada

This list is not confirmation of lobbying for HB 4615.

Campaign Finance Data

Eight of the nine co-sponsors of HB 4615 have received a collective [\\$48,050 in campaign contributions](#) from oil, gas, electric utility and railroad interests.

See Full Report: [State Bills to Criminalize Peaceful Protest of Oil & Gas "Critical Infrastructure"](#)

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