

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4845**

By Delegates Hillenbrand, Chiarelli, McGeehan,  
C.Pritt, Phillips, Brooks, Shamblin, Thorne, Maynor,  
Ridenour, and Hanshaw (Mr.Speaker)

[Originating in the Committee on the Judiciary;

Reported on February 5, 2024]



1 A BILL to amend and reenact §61-6-20 of the Code of West Virginia, 1931, as amended, relating to  
2 increasing the penalties for certain instances of false reporting of an emergency incident,  
3 and clarifying the applicability of this section.

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

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

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

#### **§61-6-20. Falsely reporting an emergency incident.**

1 (a) A person is guilty of reporting a false emergency incident when knowing the information  
2 reported, conveyed or circulated is false or baseless, he or she:

3 (1) Initiates or circulates a false report or warning of or impending occurrence of a fire,  
4 explosion, crime, catastrophe, accident, illness or other emergency under circumstances in which  
5 it is likely that public alarm or inconvenience will result or that firefighting apparatus, ambulance  
6 apparatus, one or more rescue vehicles or other emergency apparatus might be summoned; or

7 (2) Reports, by word or action, to any official or quasi-official agency or organization having  
8 the function of dealing with emergencies involving danger to life or property, an alleged occurrence  
9 or impending occurrence of a fire, explosion, crime, catastrophe, accident, illness or other  
10 emergency in which it is likely that public alarm or inconvenience will result or that firefighting  
11 apparatus, ambulance apparatus, one or more rescue vehicles or other emergency apparatus  
12 might be summoned, which did not occur, does not in fact exist; or

13 (3) Reports to a law-enforcement officer or agency the alleged occurrence of any offense  
14 or incident which did not in fact occur or an allegedly impending occurrence of an offense or  
15 incident which is not in fact about to occur or false information relating to an actual offense or  
16 incident or to the alleged implication of some person therein; or

17 (4) Without just cause, calls or summons by telephone, fire alarm system or otherwise, any  
18 firefighting apparatus, ambulance apparatus, rescue vehicles or other emergency vehicles.

19           **(b) Any person who violates the provisions of this section is guilty of a misdemeanor, and,**  
20 upon conviction thereof, shall be fined not more than \$500 or confined in the county jail not more  
21 than six months, or both fined and confined.

22           **(c) Any person convicted**

23           **(1) of a second or subsequent violation of the provisions of this section; or,**

24           **(2) of a violation of this section which results in actual physical harm to any person;**

25           **is guilty of a felony, and, upon conviction thereof, shall be fined not less than \$5,000 nor**  
26 **more than \$10,000, or imprisoned in a state correctional facility for a term of not less than one year**  
27 **nor more than five years, or both fined and imprisoned. Prior to the sentencing of a person who has**  
28 **been convicted of or plead guilty to a violation of this subsection, the court shall enter an order that**  
29 **directs any law enforcement agency or emergency service provider involved in the emergency**  
30 **response that wishes to be reimbursed for the costs incurred by the agency or provider during the**  
31 **emergency response, to file with the court within a specified time an itemized statement of those**  
32 **costs. The court may then order the offender to reimburse the agency for all or a portion of those**  
33 **costs.**

34           **(d) This section does not apply to any person conducting an authorized emergency drill.**

35           **(e) Any act that is simultaneously a violation of both this section and any other section of**  
36 **this Code may be prosecuted under this section, the other section, or under both sections.**

NOTE: The purpose of this bill is to create the West Virginia Anti-Swatting Act.

Strike-throughs indicate language that would be stricken from a heading or the present law  
and underscoring indicates new language that would be added.