

Senate Bill No. 390

(By Senators Kessler (Mr. President) and M. Hall,

By Request of the Executive)

[Introduced January 21, 2014; referred to the Committee on the
Judiciary; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §15-5-19b, relating
to providing criminal penalties for the dissemination of
false, misleading or deceptive information through automated
telephone calls during a declared state of emergency.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §15-5-19b, to read as
follows:

ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

**§15-5-19b. Criminal penalties for using automated telephone calls
to disseminate false, misleading or deceptive
information during a state of emergency.**

1 Any person who, during a declared state of emergency,
2 knowingly and willfully disseminates false, misleading or deceptive
3 information to citizens affected by the emergency using an
4 automated telephone call or calling device, including but not
5 limited to technology designed to disseminate a previously recorded
6 message or "robocall," is guilty of a misdemeanor, and upon
7 conviction thereof, shall be confined in jail for not more than one
8 year and fined an amount not to exceed \$5,000. For purposes of
9 this section, the dissemination of one false, misleading or
10 deceptive message to multiple citizens is one violation, regardless
11 of the number of calls actually placed or answered in that
12 particular instance.

NOTE: The purpose of this bill is to provide misdemeanor criminal penalties for individuals who knowingly and willfully use automated telephone calls to disseminate false, misleading or deceptive information during a declared state of emergency.

This section is new; therefore, strike-throughs and underscoring have been omitted.