

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 242**

4 (By Senators Cole (Mr. President) and Kessler,

5 By Request of the Executive)

6 _____
7 [Originating in the Committee on the Judiciary;

8 reported February 6, 2015.]
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12 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
13 designated §15-5-19b, relating to creating new offense of disseminating false, misleading or
14 deceptive information during a declared state of emergency or state of preparedness;
15 establishing elements of the offense; providing each call constitutes a separate offense; and
16 establishing penalties.

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

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

20 **ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY**
21 **MANAGEMENT.**

22 **§15-5-19b. Criminal penalties for using automated telephone calls to disseminate false,**

1 **misleading or deceptive information regarding matters effecting or effected**
2 **by a proclaimed state of emergency or state of preparedness.**

3 (a) Any person or entity who, during a state of emergency or state of preparedness declared
4 pursuant to the provisions of section six of this article: (1) Knowingly and willfully disseminates
5 false, misleading or deceptive information regarding matters effecting or effected by the declaration;
6 and (2) by means of an automated telephone call or calling device, including, but not limited to,
7 technology designed to disseminate a previously recorded message shall be guilty of a misdemeanor
8 and, upon conviction thereof, be confined in jail for not more than one year or fined not more than
9 \$5,000, or both.

10 (b) For purposes of this section each call made shall constitute a separate violation of this
11 section.