

**Senate Bill No. 242**

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

By Request of the Executive)

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[Introduced January 16, 2015; referred to the Committee on the Judiciary.]

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**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 using automated telephone calls to disseminate false, misleading or deceptive information with the intent to create panic, incite violence or cause harm during a proclaimed state of emergency or state of preparedness.

*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 with the intent to create panic, incite violence or cause harm during a proclaimed state of emergency or state of**

1                   **preparedness.**

2           Any person who, during a proclaimed state of emergency or state of preparedness,  
3 disseminates false, misleading or deceptive information with the intent to create panic, incite  
4 violence or cause harm to individuals affected by the state of emergency or state of preparedness  
5 using an automated telephone call or calling device, including, but not limited to, technology  
6 designed to disseminate a previously recorded message or “robocall,” is guilty of a misdemeanor  
7 and, upon conviction thereof, shall be confined in jail for a period not to exceed one year, or be fined  
8 an amount not to exceed \$5,000, or both. For purposes of this section, the dissemination of one  
9 false, misleading, or deceptive message to multiple individuals is one violation, regardless of the  
10 number of telephone calls actually placed or answered in that particular instance.

NOTE: The purpose of this bill is to provide misdemeanor criminal penalties for using automated telephone calls to disseminate false, misleading or deceptive information with the intent to create panic, incite violence or cause harm to individuals during a declared state of emergency or state of preparedness.

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