

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2797

BY DELEGATES O'NEAL, SHOTT, HANSHAW, SOBONYA,

KESSINGER, N. FOSTER, G. FOSTER AND OVERINGTON

[Passed April 6, 2017; in effect ninety days from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5A-8-23, relating to codifying statutory immunity for government agencies
3 and officials from actions of third-parties using documents or records of governmental
4 agencies for unlawful acts.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §5A-8-23, to read as follows:

ARTICLE 8. PUBLIC RECORDS MANAGEMENT AND PRESERVATION ACT

§5A-8-23. Limitation of liability.

1 This article creates no liability upon any person acting in his or her capacity as a state
2 officer, employee, or retiree or former employee of the State of West Virginia; or upon the legal
3 dependents, heirs and assignees of any such person; nor, upon any agency of the executive,
4 legislative, or judicial branch of government of the State of West Virginia, for any transaction which
5 is compromised by any third party's illegal act or inappropriate use associated with information
6 regulated by this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2017.

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Governor