

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

House Bill 2797

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KESSINGER, N. FOSTER, G. FOSTER AND OVERINGTON

[Introduced March 6, 2017; Referred
to the Committee on the Judiciary]

1 A BILL 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.

NOTE: The purpose of this bill is to clarify that there is statutory immunity for government agencies and officials from actions of third-parties using documents or records of governmental agencies for unlawful acts.

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