

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 397

BY SENATORS SYPOLT, FACEMIRE, ROMANO, AND CLINE

[Introduced January 26, 2018; 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 §5-15-9, relating to making it a misdemeanor to impersonate a person who is
 3 blind or disabled; making it a misdemeanor for a person to fraudulently represent himself
 4 or herself to be the owner or trainer of a service animal; and establishing penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. WHITE CANE LAW.

§5-15-9. Fraudulent representation; penalties.

1 (a) For the purpose of this section, "Person with a disability" means a person who has:

2 (1) A mental or physical disability;

3 (2) An intellectual or developmental disability;

4 (3) A hearing impairment;

5 (4) Deafness;

6 (5) A speech impairment;

7 (6) A visual impairment;

8 (7) Post-traumatic stress disorder; or

9 (8) Any health impairment that requires special ambulatory devices or services.

10 (b) Any person who represents himself or herself as being blind or visually impaired or a
 11 person with a disability under this article is guilty of a misdemeanor and, upon conviction, shall be
 12 fined \$50. For a second offense, he or she is guilty of a misdemeanor and, upon conviction, shall
 13 be fined \$100 and required to perform 20 hours of community service in the service of disabled
 14 individuals. For each subsequent offense he or she is guilty of a misdemeanor and, upon
 15 conviction, shall be fined \$200, be confined in jail for one day and required to perform 40 hours
 16 of community service in the service of disabled individuals.

17 (c) Any person who fraudulently represents himself or herself to be the owner or trainer of
 18 a service animal is guilty of a misdemeanor and, upon conviction, shall be fined \$50. For a second
 19 offense, he or she is guilty of a misdemeanor and, upon conviction, shall be fined \$100 and

20 required to perform 20 hours of community service in the service of disabled individuals. For each
21 subsequent offense he or she is guilty of a misdemeanor and, upon conviction, shall be fined
22 \$200, be confined in jail for one day and required to perform 40 hours of community service in the
23 service of disabled individuals.

NOTE: The purpose of this bill is to make it a misdemeanor to impersonate a person who is blind or disabled. The bill makes it a misdemeanor for a person to fraudulently represent himself or herself to be the owner or trainer of a service animal. The bill establishes penalties.

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