

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4430

BY DELEGATES FAST, C. MARTIN, DEAN, BIBBY, HARDY,

P. MARTIN, ROWAN, HOTT, HOWELL AND TONEY

[Introduced January 20, 2020; 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 §61-6-20a, relating to creating the misdemeanor offense of falsely filing a
 3 complaint against a law-enforcement office; and providing a criminal penalty.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-20a. Falsely filing complaint against law-enforcement officer.

1 A person is guilty of filing a false complaint against a law-enforcement officer when,
 2 knowing the information reported, conveyed or circulated is false or baseless, he or she:

3 (1) Initiates or circulates a false complaint of improper action of a law-enforcement officer
 4 relating to an incident or other circumstance; or

5 (2) Reports, by word or action, to any official or quasi-official agency or organization having
 6 the function of dealing with conduct of law-enforcement officers which did not occur, does not in
 7 fact exist; or

8 (3) Reports to a law-enforcement officer or agency the alleged occurrence of any offense
 9 or incident which did not in fact occur.

10 Any person who violates this section is guilty of a misdemeanor and, upon conviction
 11 thereof, shall be fined not more than \$1000 or confined in jail not more than six months, or both
 12 fined and confined.

NOTE: The purpose of this bill is to create the misdemeanor offense of falsely filing a complaint against a law-enforcement office.

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