

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5156

By Delegates Rohrbach, Shamblin, Holstein, W. Hall,

Worrell, Chiarelli, Crouse, Householder, Toney,

Winzenreid, and Fehrenbacher

[Introduced January 25, 2024; 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 §61-2-17, relating to prohibiting the public disclosure of personal information
 3 on the internet; and providing for penalties.

Be it enacted by the Legislature of West Virginia: _

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-17. Prohibiting public disclosure of personal information on the internet; penalties.

1 (a) For purposes of this section:

2 (1) "Immediate family" means a health care worker's spouse, child, or parent or any other
 3 blood relative who lives in the same residence as the health care worker;

4 (2) "Health care worker" means an employee, contracted healthcare provider, or individual
 5 -serving in a governance capacity of a hospital;

6 (3) "Hospital" means a facility licensed pursuant to the provisions of article 5b of this
 7 chapter and any acute care facility operated by the state government, that primarily provides
 8 inpatient diagnostic, treatment or rehabilitative services to injured, disabled or sick persons under
 9 the supervision of physicians;

10 (4) "Personal information" means the home address, home telephone number, personal
 11 mobile telephone number, pager number, personal e-mail address, or a personal photograph or
 12 video of a health care worker; directions to the home of a health care worker; or photographs or
 13 videos of the home or vehicle of a healthcare worker.

14 (b) A person who knowingly makes the personal information of a health care worker, or a
 15 health care worker's immediate family, publicly available on the internet:

16 (1) With the intent to threaten, intimidate, or incite the commission of a crime of violence
 17 against that person; or

18 (2) With the intent and knowledge that the personal information will be used to threaten,
 19 intimidate, or facilitate the commission of a crime of violence against that person is guilty of a
 20 misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in jail

21 not more than one year, or both fined and confined.

22 (c) A health care worker may submit a written request to a state or local government official
23 to remove personal information from records that are available on the internet. If a state or local
24 government receives the written request, then the state or local government official shall not
25 knowingly make available on the internet personal information about the health care worker or the
26 health care worker's immediate family.

27 (d) A health care worker's written request to a state or local government official to remove
28 records that the official makes available on the internet shall include:

29 (1) Evidence that the person submitting the request is a health care worker, as defined in
30 this section; and

31 (2) An affirmation stating under penalty of perjury that the person submitting the request
32 has reason to believe that the dissemination of the personal information contained in the records
33 that the official makes available on the internet poses an imminent and serious threat to the
34 person's safety or the safety of the person's immediate family.

NOTE: The purpose of this bill is to prohibit the public disclosure of personal information on the internet, and to create 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.