

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 763

BY SENATORS WELD AND DEEDS

[Introduced February 13, 2024; referred
to the Committee on Military]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §15-1B-28, relating to exempting certain records from public release.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1B. NATIONAL GUARD.

§15-1B-28. Protection of classified and sensitive military information.

1 While there is a presumption of public accessibility to all public records, the following types
2 of records are specifically exempt from public disclosure, to include any disclosure under the
3 provisions of § 29B-1-1 et seq. of this code:

4 (1) Information that is properly classified to protect national or state security;

5 (2) Those portions of records containing specific or unique vulnerability assessments or
6 specific or unique response plans, data, databases, and inventories of goods or materials
7 collected or assembled to respond to terrorist acts; and communication codes or deployment
8 plans of the Department of Defense, armed forces of the United States, the National Guard, or
9 Department of Homeland Security;

10 (3) Specific intelligence information and specific investigative records dealing with terrorist
11 acts or the threat of a terrorist act shared by and between federal and international law-
12 enforcement agencies, the National Guard, the armed forces of the United States, Department of
13 Defense, state and local law enforcement, and other agencies within the U.S. Department of
14 Homeland Security or the West Virginia Department of Homeland Security; and

15 (4) Sensitive military information the public disclosure of which would threaten public
16 safety, endanger military personnel, or provide a military advantage to an adversary. Such
17 information includes, but is not limited to, deployment, operational or emergency response plans
18 or operations, military tactics, techniques, or procedures, rules for the use of force, rules of
19 engagement, critical infrastructure security information, offensive, defensive, force protection,
20 cyberspace, stability, civil support, freedom of navigation, operations security, domestic

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- 21 operation, personnel and equipment strengths and location, of the National Guard, armed forces
22 or the Department of Defense.