

**H. B. 4397**

(By Delegates Marshall, Barill, Iaquina, Lawrence  
and Longstreth)

[Introduced February 2, 2012; referred to the  
Committee on the Judiciary then Finance.]

**FISCAL  
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §61-5-17a, relating  
to making it a crime for preventing an individual from calling  
emergency service personnel, including penalties.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new section, designated §61-5-17a, to read as  
follows:

**ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.**

**§61-5-17a. Interference with the reporting of a crime; penalty.**

(a) No person, with the intent to commit, aid in the  
commission of, conceal, attempt to conceal, or obstruct the  
reporting of an unlawful act, shall knowingly and intentionally  
interfere with or prevent another person from:

- (1) Using or accessing a 911 emergency telephone system; or
- (2) Making a report to law-enforcement officer or agency or

1 fire department; or

2 (3) Obtaining medical assistance for any injury or condition  
3 arising from an unlawful act.

4 (b) For purposes of this section, the term "interfere with or  
5 prevent" includes, but is not limited to, the seizure, concealment,  
6 obstructing access to, or disabling of a telephone, telephone line  
7 or equipment, or other communication device.

8 (c) Any person who violates the provisions of this section  
9 with the intent to commit, aid in the commission of, conceal, or  
10 obstruct the reporting or investigation of an offense punishable by  
11 confinement in a correctional facility or jail, is guilty of a  
12 misdemeanor and, upon conviction thereof, be confined to jail not  
13 more than six months or fined not less than \$100 nor more than  
14 \$500, or both.

NOTE: The purpose of this proposed new section is to make it a crime to interfere with or prevent a person from reporting a crime or seeking emergency assistance arising from the commission of a crime.

§61-5-17a is new; therefore, it has been completely underscored.