

H. B. 4257

(By Mr. Speaker, (Mr. Miley) and Delegate Armstead)
[By Request of the Executive]
[Introduced January 22, 2014; 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 §15-5-19b, relating
to providing criminal penalties for the dissemination of
false, misleading or deceptive information through automated
telephone calls during a declared state of emergency.

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 §15-5-19b, to read as
follows:

ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

**§15-5-19b. Criminal penalties for using automated telephone calls
to disseminate false, misleading or deceptive
information during a state of emergency.**

Any person who, during a declared state of emergency,

1 knowingly and willfully disseminates false, misleading or deceptive
2 information to citizens affected by the emergency using an
3 automated telephone call or calling device, including but not
4 limited to technology designed to disseminate a previously recorded
5 message or "robocall," is guilty of a misdemeanor, and upon
6 conviction thereof, shall be confined in jail for not more than one
7 year and fined an amount not to exceed \$5,000. For purposes of
8 this section, the dissemination of one false, misleading or
9 deceptive message to multiple citizens is one violation, regardless
10 of the number of calls actually placed or answered in that
11 particular instance.

NOTE: The purpose of this bill is to provide misdemeanor criminal penalties for individuals who knowingly and willfully use automated telephone calls to disseminate false, misleading or deceptive information during a declared state of emergency.

This section is new; therefore, it had been completely underscored.