WEST virginia legislature

2021 regular session

Introduced

House Bill 3031

By Delegates Walker, Hansen, Thompson, Hornbuckle, Young and Pushkin

[Introduced March 10, 2021; Referred to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to authorizing civil damages for any person who was subject to an intentionally false report made to law enforcement that results in harm to the person subject to the report.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. ACTIONS FOR INJURIES.

 §55-7-32. False reporting to law enforcement; civil remedy.

(a) A person may bring a civil action for damages against any person who knowingly causes a law-enforcement police officer to arrive at a location to contact another person with the intent to:

(1) Infringe on the other person’s rights under the West Virginia or United States Constitution;

(2) Unlawfully discriminate against the other person;

(3) Cause the other person to feel harassed, humiliated or embarrassed;

(4) Cause the other person to be expelled from a place in which the other person is lawfully located; or

(5) Damage the other person’s:

(A) Reputation or standing within the community; or

(B) Financial, economic, consumer or business prospects or interests.

(b) Upon prevailing in an action under this section, the plaintiff may recover the greater of:

(1)(A) Special and general damages, including damages for emotional distress; or

(B) Statutory damages of $250 against each defendant found liable under this section; and

(2) Punitive damages.

(c) The court may award reasonable attorney fees to the prevailing plaintiff in an action under this section.

(d) A civil action under this section does not affect a right or remedy available under any other law of this state.

NOTE: The purpose of this bill is to allow for a civil damages for any person who was subject to an intentionally false report made that results in the appearance of a law enforcement officer and that results in harm to the person subject to the report.

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