

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4920

By Delegates Horst, Longanacre, Smith, Phillips,
McGeehan, Ferrell, Burkhammer, Hite, Hornby,
Brooks, and Barnhart

[Introduced January 18, 2024; Referred to the
Committee on Technology and Infrastructure then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto new section,
2 designated §61-3C-14d, relating to creating the West Virginia Anti-Swatting Act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3C. WEST VIRGINIA COMPUTER CRIME AND ABUSE ACT.

§61-3C-14d. The West Virginia Anti-Swatting Act

1 (a) "Swatting" is defined as making a false report of an ongoing serious crime or
2 emergency with the intention of causing a response from law enforcement or emergency services.

3 (1) No person shall report, or cause to be reported, false or misleading information to a law
4 enforcement agency, emergency service provider, or public safety answering point, knowing the
5 information to be false or misleading, with reckless disregard as to whether the report may cause
6 bodily harm to any individual as a direct result of an emergency response to the report, and under
7 circumstances where the report is reasonably likely to cause an emergency response from a law
8 enforcement agency, emergency service provider, or public safety answering point and the report
9 does cause an emergency response. Whoever violates this section is guilty of swatting.

10 (b) This section does not apply to any person conducting an authorized emergency drill.

11 (c)(1) Swatting is a felony offense.

12 (2) Prior to the sentencing of a person who has been convicted of or pleaded guilty to a
13 violation of this section, the court shall enter an order that directs any law enforcement agency or
14 emergency service provider involved in the emergency response that wishes to be reimbursed for
15 the costs incurred by the agency or provider during the emergency response, to file with the court
16 within a specified time an itemized statement of those costs. The court may then order the offender
17 to reimburse the agency for all or a portion of those costs.

18 (3) Any act that is a violation of this section and any other section of this code may be
19 prosecuted under this section, the other section, or both sections.

NOTE: The purpose of this bill is to create the West Virginia Anti-Swatting Act.

Strike-throughs indicate language that would be stricken from a heading or the present law

and underscoring indicates new language that would be added.