

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 3188**

By Delegates Green, Martin, Marple, Hott, Kelly,

Funkhouser, and Heckert

[Introduced March 06, 2025; referred to the

Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding two new sections,  
 2 designated §61-5-17b and §61-5-30, relating to reasonable suspicion of committing a  
 3 crime; prohibiting people lawfully detained from failing to identify or providing false names;  
 4 prohibiting people from loitering or prowling; providing restitution; authorizing court orders;  
 5 and creating criminal penalties.

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

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

**§61-5-17b. Prohibition against giving false name or false identification by person arrested**

**or lawfully detained; penalties; court orders.**

1 (a) It is unlawful for a person who has been arrested or lawfully detained by a law  
 2 enforcement officer to give a false name, or otherwise falsely and/or fail to identify himself or  
 3 herself in any way, to the law enforcement officer, any county jail or Division of Correction and  
 4 Rehabilitation personnel. Except as provided in subsection (b), any person who violates this  
 5 subsection is guilty of a misdemeanor, and upon conviction thereof, shall be confined in jail no  
 6 more than one year.

7 (b) A person who violates subsection (a), if such violation results in another person being  
 8 adversely affected by the unlawful use of his or her name or other identification, is guilty of a felony,  
 9 and upon conviction thereof, shall be imprisoned in a state correctional facility not more than five  
 10 years.

11 (c) (1) In sentencing a person for violation of this section, a court may order restitution.

12 (2) The sentencing court may issue such orders as are necessary to correct any public  
 13 record because it contains a false name or other false identification information given in violation of  
 14 this section.

15 (3) Upon application to the court, a person adversely affected by the unlawful use of his or  
 16 her name or other identification in violation of this section may obtain from the court orders  
 17 necessary to correct any public record, as described in subdivision (2).

**§61-5-30. Loitering or prowling; penalties.**

1           (a) It is unlawful for any person to loiter or prowl in a place, at a time or in a manner not  
2 usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable  
3 alarm or immediate concern for the safety of persons or property in the vicinity.

4           (b) Among the circumstances which may be considered in determining whether such alarm  
5 or immediate concern is warranted is the fact that the person takes flight upon appearance of a law  
6 enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal  
7 himself or herself or any object. Unless flight by the person or other circumstance makes it  
8 impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section,  
9 afford the person an opportunity to dispel any alarm or immediate concern which would otherwise  
10 be warranted by requesting the person to identify himself or herself and explain his or her  
11 presence and conduct. No person shall be convicted of an offense under this section if the law  
12 enforcement officer did not comply with this procedure or if it appears at trial that the explanation  
13 given by the person is true and, if believed by the officer at the time, would have dispelled the  
14 alarm or immediate concern.

15           (c) Any person who violates this section is guilty of a misdemeanor, and upon conviction  
16 thereof, shall be confined in jail no more than 60 days.

NOTE: The purpose of this bill is to prohibit people lawfully detained from providing false names, failing to identify, provide restitution, authorize court orders, and prohibit people from loitering or prowling.

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