WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3378

By Delegates Heckert, Mallow, DeVault, Fehrenbacher, Barnhart, T. Clark, Marple, Stephens, Browning, Crouse, and Ward

[Introduced March 14, 2025; referred to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §62-1D-3a, relating to the enforcement of two-party consent for legislative offices; and creating an expectation of privacy in legislative offices.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1D. WIRETAPPING AND ELECTRONIC SURVEILLANCE ACT.

**§62-1D-3a. Expectation of Privacy in Legislative Offices.**

(a) Members of the West Virginia Legislature shall have a reasonable expectation of privacy within their private offices located within the State Capitol or any other official legislative office space.

(b) Except as provided in subsection (c), it shall be unlawful for any person, including but not limited to staff, visitors, journalists, or third parties, to:

(1) Video record, audio record, or otherwise intercept any wire, oral, or electronic communication within a legislator’s private office without the prior consent of the member of the West Virginia Legislature;

(2) Secretly install, place, or operate any recording, video, or electronic surveillance device within such offices without the express written consent of the legislator occupying the office; or

(3) Disclose or disseminate any unlawfully obtained recordings, whether audio, video, or electronic, made within a legislative office, regardless of intent.

(c) The prohibitions in subsection (b) shall not apply to:

(1) Legislative security measures taken by Capitol security, law enforcement, or authorized personnel as part of official security or safety procedures;

(2) Recordings made with the express written consent of the legislator occupying the office;

(3) Lawfully authorized wiretaps or surveillance conducted pursuant to a valid court order or search warrant issued under applicable law.

(d) Any person who knowingly and willfully violates this section shall be guilty of a felony and, upon conviction thereof, shall be imprisoned in the penitentiary for not more than five years or fined not more than $10,000 or both fined and imprisoned.

NOTE: The purpose of this bill is to provide for the enforcement of two-party consent for legislative offices. The bill also provides an expectation of privacy in legislative offices.

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