

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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §62-1D-3a, relating to the enforcement of two-party consent for legislative
3 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.

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

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

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

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

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

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

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

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

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

20 (d) Any person who knowingly and willfully violates this section shall be guilty of a felony

- 21 and, upon conviction thereof, shall be imprisoned in the penitentiary for not more than five years or
22 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.