

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5337

By Delegate Young

[Introduced February 09, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §5A-8-24 of the Code of West Virginia, 1931, as amended, providing
2 that protection of personal information applies to members of the Legislature.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. PUBLIC RECORDS MANAGEMENT AND PRESERVATION ACT.

§5A-8-24. Protection of personal information relating to judicial officers, members of the Legislature, prosecutors, and law-enforcement officers.

1 (a) This section shall be known as Daniel's Law.

2 (b) This act shall be liberally construed in order to accomplish its purpose and the public
3 policy of this state, which is to enhance the safety and security of certain public officials ~~in the~~
4 ~~justice system~~ including judicial officers, members of the Legislature, prosecutors, federal and
5 state public defenders, federal and state assistant public defenders, and law-enforcement officers,
6 who serve or have served the citizens of West Virginia, and the immediate family members of
7 these individuals, to foster the ability of these public servants ~~who perform critical roles in the~~
8 ~~justice system~~, and to carry out their official duties without fear of personal reprisal from affected
9 individuals related to the performance of their public functions.

10 (c) Definitions. — As used in this section:

11 ~~(1)~~-"Disclose" means to publish, publicly display, distribute, deliver, circulate, post, lend,
12 provide, advertise, or disseminate by any means including, but not limited to, electronic
13 transmission and on any medium including, but not limited to, the Internet.

14 ~~(2)~~-"Immediate family member" means spouse, child, parent, or any other family member
15 related by blood or by law to the judicial officer, member of the Legislature, prosecutor, or law-
16 enforcement officer, and who resides in the same residence as the judicial officer, member of the
17 Legislature, prosecutor, federal or state public defender, federal or state assistant public defender,
18 or law-enforcement officer.

19 ~~(3)~~-"Judicial officer" means the chief justice or an associate justice of the United States
20 Supreme Court, a judge of the United States Court of Appeals, a judge of a federal district court, a

21 magistrate judge of a federal district court, any other judge for a court established by federal law,
22 the chief justice or a justice of the Supreme Court of Appeals of West Virginia, a circuit judge, a
23 family law judge, a magistrate, an administrative law judge, a municipal court judge, or any other
24 judge established by state law.

25 ~~(4)~~ "Law-enforcement officer" ~~shall have~~ has the same definition as that term is defined in
26 §29B-1-2 of this code.

27 "Member of the Legislature" means any person elected or selected to serve in the West
28 Virginia Senate or House of Delegates.

29 ~~(5)~~ "Prosecutor" means United States Attorney or his or her assistant United States
30 attorneys, any other prosecutor established by federal law, the Attorney General of the State of
31 West Virginia or his or her assistant attorneys general, a county prosecuting attorney or his or her
32 assistant prosecuting attorneys, or any other prosecutor established by state law.

33 (d) Unless written permission is first obtained from the individual, a state or local
34 government agency shall not knowingly disclose, redisclose, or otherwise make available the
35 home address or unpublished home or personal telephone number of any active, formerly active,
36 or retired judicial officer, member of the Legislature, prosecutor, federal or state public defender,
37 federal or state assistant public defender, or law-enforcement officer.

38 (e) Unless written permission is first obtained from the individual, a person, business, or
39 association shall not disclose, redisclose, or otherwise make available the home address or
40 unpublished home or personal telephone number of any active, formerly active, or retired judicial
41 officer, member of the Legislature, prosecutor, federal or state public defender, federal or state
42 assistant public defender, or law-enforcement officer under circumstances in which a reasonable
43 person would believe that providing such information would expose another to harassment or risk
44 of harm to life or property.

45 (1) A civil action may be maintained by the active, formerly active, or retired judicial officer,
46 member of the Legislature, prosecutor, federal or state public defender, federal or state assistant

47 public defender, or law-enforcement officer, or any other person residing at the home address of
48 the active, formerly active, or retired judicial officer, member of the Legislature, prosecutor, federal
49 or state public defender, federal or state assistant public defender, or law-enforcement officer, for
50 any violation of subsection (e) of this section.

51 (2) The court may award:

52 (A) Actual damages, but not less than \$1,000, for each violation of this act;

53 (B) Punitive damages, if applicable, in accordance with §55-7-29 of this code;

54 (C) Reasonable attorney's fees and other litigation costs reasonably incurred; and

55 (D) Any other preliminary or equitable relief as the court deems appropriate.

56 (f) Any active, formerly active, or retired judicial officer, member of the Legislature,
57 prosecutor, federal or state public defender, federal or state assistant public defender, or law-
58 enforcement officer whose home address or unpublished home or personal telephone number is
59 disclosed, redisclosed, or otherwise made available by any person, business, or association may
60 request that the person, business, or association in violation of subsection (e) of this section that
61 disclosed, redisclosed, or otherwise made available the information to refrain from that action and
62 remove the information.

63 (g) Any immediate family member of any active, formerly active, or retired judicial officer,
64 member of the Legislature, prosecutor, federal or state public defender, federal or state assistant
65 public defender, or law-enforcement officer whose name, home address, or unpublished home or
66 personal telephone number, which may be used alone or in conjunction with any other information
67 to identify the person as the family member of an active, formerly active, or retired judicial officer,
68 member of the Legislature, prosecutor, federal or state public defender, federal or state assistant
69 public defender, or law-enforcement officer, is disclosed, redisclosed, or otherwise made available
70 by any person, business, or association in violation of subsection (e) of this section may request
71 that the person, business, or association that disclosed, redisclosed, or otherwise made available
72 the information to refrain from that action and remove the information.

73 (h) A request to refrain and remove information pursuant to subsection (f) or (g) of this
74 section shall be made in writing to the person, business, or association that disclosed, redisclosed,
75 or otherwise made available the information.

76 (1) Upon receipt of a written request to refrain and remove information, the person,
77 business, or association that disclosed, redisclosed, or otherwise made available the information
78 shall immediately remove the information from any location where the information has been
79 disclosed which is within the control of the person, business, or association.

80 (2) A civil action may be maintained by the individual whose information is disclosed,
81 redisclosed, or otherwise made available for failure to comply with a request to refrain and remove
82 the information made pursuant to subdivision (1) of this subsection, and the court may award
83 injunctive or declaratory relief. If the court grants injunctive or declaratory relief, the person,
84 business, or association responsible for the violation shall be required to pay reasonable
85 attorney's fees and other litigation costs reasonably incurred by the judicial officer, member of the
86 Legislature, prosecutor, federal or state public defender, federal or state assistant public defender,
87 law-enforcement officer, or immediate family member thereof, as applicable and appropriate.

88 (3) A person who willfully refuses to remove information within 24 hours of receipt of the
89 written request pursuant to subdivision (1), subsection (h) of this section is guilty of a
90 misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail
91 for up to six months, or both fined and confined.

92 (i) This section does not prohibit disclosures required by state or federal law.

NOTE: The purpose of this bill is to provide that protection of personal information applies to members of the Legislature.

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