WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5408

By Delegate Young

[Introduced February 10, 2026; referred to the

Committee on the Judiciary]

1   A BILL to amend and reenact the Code of West Virginia, 1931, as amended, by adding a new

2   section §1-8-2, relating to prohibiting government entities from disclosing information that

3   will be used for the enforcement of federal immigration law in certain circumstances.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. RESTRICTIONS ON POWERS OF STATE AGENICES AND POLITICAL SUBDIVISIONS.

§1-8-2. Restriction on disclosing information to be used for enforcement of federal immigration   laws.

1   (a) As used in this section:

2   "Government entity" means any state, county, or municipal department, bureau, division,

3   section, board, commission, trustee, authority, or officer, created by the constitution, statute, or

4   agency action.

5   "Personal information" means information that identifies an individual, including the

6   individual's photograph or image, name, address, driver license number, Social Security number,

7   telephone number, digitized signature, or medical information. Personal information includes any

8   information pertaining to an individual's criminal history, and any list, dataset, or aggregated data

9   that contains information described in this subdivision.

10   (b) Before providing any personal information to a person, a government entity shall

11   require that the person provide the government entity with all of the following, as applicable:

12   (1) The person's name or the name of the entity on whose behalf the person is requesting

13   the personal information, as applicable.

14   (2) Contact information for the person.

15   (3) A statement by the person, under penalty of perjury, about whether the person is

16   requesting the personal information for the purpose of enforcing federal immigration law.

17   (4) If the person states under subsection (c) that the request for personal information is for

18   the purpose of enforcing federal immigration law, a statement about whether the person has a

19   judicial warrant for that personal information issued by a federal court or a court of this state.

20   (c) If a person indicates that the personal information will be used for the purpose of

21   enforcing federal immigration law as described in subsection (1), or if the government entity has

22   reason to believe the personal information will be used for the purpose of enforcing federal

23   immigration law, the government entity shall not provide any personal information to the person

24   unless the person presents a warrant for the personal information issued by a federal court or a

25   court of this state.

26   (d) By not later than December 31, 2026, and each December 31 thereafter, each

27   government entity shall provide a report to the attorney general and the legislature containing the

28   following information for the previous calendar year:

29   (1) The amount of requests the government entity received for personal information to be

30   used for the purpose of enforcing federal immigration law.

31   (2) The number of requests described in subdivision (a) granted or denied by the

32   government entity.

33   (3) Any other information requested by the attorney general or the legislature.

34   (e) If a government entity that provided personal information to a person determines that

35   the person used the personal information for the purpose of enforcing federal immigration law in

36   violation of section 3, government entities shall not provide any personal information to that

37   person, or to the entity on whose behalf the person requested the personal information, unless

38   obligated by a warrant issued by a federal court or a court of this state.

NOTE: The purpose of this bill is to limit the information given by government agencies for the purpose of enforcing federal immigration laws.

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