

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5528

By Delegates D. Cannon and Vance

[Introduced February 13, 2026; 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 §61-2-31, relating to providing protection of personal residential information of
 3 certain public officials; providing for legislative findings; setting forth definitions; providing a
 4 restriction on government disclosure; setting forth permitted disclosures; defining
 5 obligations of data custodians; and establishing a civil remedy.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-31. Protection of Personal Residential Information of Certain Public Officials.

1 (a) Legislative findings. – The Legislature finds that judges, magistrates, prosecutors, and
 2 sworn law-enforcement officers face heightened risks of threats, harassment, and violence due to
 3 the nature of their official duties. Protecting limited personal identifying information is necessary to
 4 ensure public safety and the effective administration of justice, while respecting constitutional free-
 5 speech protections.

6 (b) Definitions. – For purposes of this section:

7 (1) "Covered individual" means:

8 (A) Any retired justice, judge, magistrate, or family court judge of the State of West Virginia;

9 (B) Any retired prosecuting attorney or assistant prosecuting attorney;

10 (C) Any active or retired sworn law-enforcement officer employed by the State, a county, or
 11 a municipality; and

12 (D) Any immediate family member residing in the same household as such individual.

13 (2) "Personal residential information" means:

14 (A) A home street address;

15 (B) A personal residential telephone number;

16 (C) A personal cellular telephone number not issued by an employing agency.

17 (c) Restriction on government disclosure. – No state agency, county, municipality, or
 18 political subdivision may knowingly disclose the personal residential information of a covered

19 individual on a publicly accessible website, database, or record, except as provided in subsection
20 (d).

21 (d) Permitted disclosures. – This section does not prohibit disclosure of personal
22 residential information when:

23 (1) Required by federal law or court order;

24 (2) Provided to law-enforcement agencies for official purposes;

25 (3) Provided to election officials for voter registration or candidacy requirements, provided
26 such information is not made publicly accessible;

27 (4) Provided pursuant to a valid subpoena or lawful discovery request under seal; or

28 (5) Voluntarily disclosed by the covered individual.

29 (e) Obligations of data custodians. – Any public body maintaining records that include
30 personal residential information of a covered individual shall, upon request of the individual, redact
31 such information from public-facing records to the extent permitted by law.

32 (f) Civil remedy. – A covered individual whose personal residential information is disclosed
33 by a public body in violation of this section may bring a civil action for:

34 (1) Injunctive relief;

35 (2) Actual damages; and

36 (3) Reasonable attorney's fees and court costs.

37 (g) Construction. – Nothing in this section shall be construed to:

38 (1) Prohibit lawful newsgathering or reporting;

39 (2) Restrict speech by private individuals;

40 (3) Create criminal liability for publication of information obtained from non-governmental
41 sources; or

42 (4) Limit access to records otherwise available under the West Virginia Freedom of
43 Information Act, except as expressly provided herein.

NOTE: The purpose of this bill is to provide protection of personal residential information of certain public officials.

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