

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5541

By Delegates Holstein, Young, and Hanshaw (Mr.
Speaker)

[Introduced February 16, 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, relating
 2 to providing that protection of personal information applies to elected officials.

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, elected officials,
 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, elected officials, prosecutors, federal and state public
 5 defenders, federal and state assistant public defenders, and law-enforcement officers, who serve
 6 or have served the citizens of West Virginia, and the immediate family members of these
 7 individuals, to foster the ability of these public servants ~~who perform critical roles in the justice~~
 8 ~~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 "Elected official" means any person who holds an office within the State of West Virginia,
 15 by virtue of having won an election. This shall include offices of the State of West Virginia, as well
 16 as offices of any political subdivision thereof. This term shall include a person who has won an
 17 election, but who has not yet taken an oath of office or begun serving in the capacity for which he
 18 or she was elected.

19 ~~(2)~~ "Immediate family member" means spouse, child, parent, or any other family member
 20 related by blood or by law to the judicial officer, elected official, prosecutor, or law-enforcement

21 officer, and who resides in the same residence as the judicial officer, elected official, prosecutor,
22 federal or state public defender, federal or state assistant public defender, or law-enforcement
23 officer.

24 ~~(3)~~-"Judicial officer" means the chief justice or an associate justice of the United States
25 Supreme Court, a judge of the United States Court of Appeals, a judge of a federal district court, a
26 magistrate judge of a federal district court, any other judge for a court established by federal law,
27 the chief justice or a justice of the Supreme Court of Appeals of West Virginia, a circuit judge, a
28 family law judge, a magistrate, an administrative law judge, a municipal court judge, or any other
29 judge established by state law.

30 ~~(4)~~-"Law-enforcement officer" ~~shall have~~ has the same definition as that term is defined in
31 §29B-1-2 of this code.

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

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

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

47 or property.

48 (1) A civil action may be maintained by the active, formerly active, or retired judicial officer,
49 elected official, prosecutor, federal or state public defender, federal or state assistant public
50 defender, or law-enforcement officer, or any other person residing at the home address of the
51 active, formerly active, or retired judicial officer, elected official, prosecutor, federal or state public
52 defender, federal or state assistant public defender, or law-enforcement officer, for any violation of
53 subsection (e) of this section.

54 (2) The court may award:

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

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

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

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

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

66 (g) Any immediate family member of any active, formerly active, or retired judicial officer,
67 elected official, prosecutor, federal or state public defender, federal or state assistant public
68 defender, or law-enforcement officer whose name, home address, or unpublished home or
69 personal telephone number, which may be used alone or in conjunction with any other information
70 to identify the person as the family member of an active, formerly active, or retired judicial officer,
71 elected official, prosecutor, federal or state public defender, federal or state assistant public
72 defender, or law-enforcement officer, is disclosed, redisclosed, or otherwise made available by

73 any person, business, or association in violation of subsection (e) of this section may request that
74 the person, business, or association that disclosed, redisclosed, or otherwise made available the
75 information to refrain from that action and remove the information.

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

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

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

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

95 (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 elected 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.