

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 473

By Senators Morris and Hamilton

[Introduced January 19, 2026; referred

to the Committee on the Judiciary]

1 A BILL to amend and reenact §61-3C-14a of the Code of West Virginia, 1931, as amended,
2 relating to creating felony criminal penalties for using electronic communication devices to
3 threaten crimes of violence.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3C. WEST VIRGINIA COMPUTER CRIME AND ABUSE ACT.

**§61-3C-14a. Obscene, anonymous, harassing and threatening communications by
computer, cell phones and electronic communication devices; penalty.**

1 (a) It is unlawful for any person, with the intent to harass or abuse another person, to use a
2 computer, mobile phone, personal digital assistant or other electronic communication device to:

3 (1) Make contact with another person without disclosing his or her identity with the intent to
4 harass or abuse;

5 (2) Make contact with a person after being requested by the person to desist from
6 contacting them: *Provided*, That a communication made by a lender or debt collector to a
7 consumer, regarding an overdue debt of the consumer that does not violate §46A-1-1, *et seq.* of
8 this code, does not violate this subsection;

9 (3) Threaten to commit a crime against any person or property; or

10 (4) Cause obscene material to be delivered or transmitted to a specific person after being
11 requested to desist from sending such material.

12 (b) For purposes of this section:

13 (1) "Electronic communication device" means and includes a telephone, wireless phone,
14 computer, pager, gaming device, or any other electronic or wireless device which is capable of
15 transmitting a document, image, voice, e-mail or text message using such device in an electronic,
16 digital or analog form from one person or location so it may be viewed or received by another
17 person or persons at other locations.

18 (2) "Use of a computer, mobile phone, personal digital assistant, gaming device, or other
19 electronic communication device" includes, but is not limited to, the transmission of text

20 messages, electronic mail, photographs, videos, images or other nonvoice data by means of an
21 electronic communication system, and includes the transmission of such data, documents,
22 messages and images to another's computer, e-mail account, mobile phone, personal digital
23 assistant or other electronic communication device.

24 (3) "Obscene material" means material that:

25 (A) An average person, applying contemporary adult community standards, would find,
26 taken as a whole, appeals to the prurient interest, is intended to appeal to the prurient interest, or is
27 pandered to a prurient interest;

28 (B) An average person, applying contemporary adult community standards, would find,
29 depicts or describes, in a patently offensive way, sexually explicit conduct consisting of an ultimate
30 sexual act, normal or perverted, actual or simulated, an excretory function, masturbation, lewd
31 exhibition of the genitals, or sadomasochistic sexual abuse; and

32 (C) A reasonable person would find, taken as a whole, lacks literary, artistic, political or
33 scientific value.

34 (c) It is unlawful for any person to knowingly permit a computer, mobile phone or personal
35 digital assistant or other electronic communication device under his or her control to be used for
36 any purpose prohibited by this section.

37 (d) Any offense committed under this section may be determined to have occurred at the
38 place at which the contact originated or the place at which the contact was received or intended to
39 be received.

40 (e) Any person who violates a provision of this section is guilty of a misdemeanor and,
41 upon conviction thereof, shall be fined not more than \$500 or confined in jail not more than six
42 months, or both fined and confined. For a second or subsequent offense, the person is guilty of a
43 misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail
44 for not more than one year, or both fined and confined.

45 (f) Any person who uses a computer, mobile phone, personal digital assistant, gaming

46 device or other electronic communication device to threaten to commit any crime of violence
47 against another person or persons, and which causes an evacuation of any building, place of
48 assembly or facility of public transportation, or otherwise causes serious public alarm or
49 inconvenience or in reckless disregard of the risk of causing such serious public alarm or
50 inconvenience, is guilty of a felony punishable by a determinate sentence of not less than two nor
51 more than 10 years in a state correctional facility.

52 To prove a "threat" under this section, the state must prove beyond a reasonable doubt
53 that: (1) the defendant knew or should have known that the communication would be viewed as a
54 threat, and (2) the defendant transmitted a communication that a reasonable person would view as
55 a threat.

56 It shall not be a defense to any prosecution under this section that the offender did not have
57 the ability to actually carry out the threat.

58 It shall not be a defense to any prosecution under this section that the conduct charged or
59 proven is also a crime under any other provision or provisions of this code.

60 A "crime of violence" means any act involving the use, or threat of the use, of violent force
61 against another person.

62 "Serious public alarm or inconvenience" means any act that a reasonable person would
63 view as an act that is intended to induce panic or which causes significant disruption or fear among
64 the public.

65 (g) Notwithstanding any other provision of this Code to the contrary, any person charged or
66 convicted of an offense under this section and who is released on bail, granted probation or a
67 suspended sentence, released on parole, probation, home detention, work release, conditional
68 release or any other type of release of confinement, shall not be permitted to reside, be employed,
69 or otherwise be present at any time, at any location within 3,000 feet of the real property, of any
70 kind or character. Of any victim or victims of the alleged offense.

NOTE: The purpose of this bill is to create felony criminal penalties for using electronic communication devices to threaten crimes of violence.

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