

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4628

**FISCAL
NOTE**

By Delegates Horst, Masters, Clark, Kimble, Martin,
Ridenour, Phillips, Hillenbrand, Crouse, Mazzocchi,
and Kump

[Introduced January 21, 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 article,
2 designated §62-1G-1, §62-1G-2, §62-1G-3, §62-1G-4, §62-1G-5, §62-1G-6, and §62-1G-
3 7, relating to creating the PEEPS Act; providing a title and legislative findings and purpose;
4 providing definitions; creating exceptions and establishing limitations when accessing
5 historical location information; creating civil penalties; and clarifying municipal regulation.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 1H. THE PROTECTING EVERYONE FROM EXCESSIVE POLICE
SURVEILLANCE (PEEPS) ACT.**

§62-1G-1. Short title.

1 This act shall be cited as the "PEEPS Act".

§62-1G-2. Legislative findings and purpose.

2 The legislature finds that government officials or entities violate the Fourth Amendment
3 when, without adequate safeguards, they create or access databases that reveal or contain
4 information that can be used to reveal citizens' or vehicles' historical locations. This act regulates
5 access to, and the security of, that information.

§62-1G-3. Definitions.

1 As used in this section:

2 "Access" means viewing, querying, retrieving, copying, transmitting, analyzing, or
3 otherwise using a database as defined in this section, whether manually or automatically.

4 "Collect" means using technology such as license plate readers, cameras, or aerial drones
5 to record information about citizens' or vehicles' physical locations or movements.

6 "Database" means a physical or digital information storage system, whether publicly or
7 privately owned, that contains photos, videos, license plate data, facial recognition data, cell site
8 location data, or any combination of these.

9 "Government Entity" means any government agency, office, bureau, division, board,

10 council, commission, or government subdivision.

11 "Government Official" means any officer, employee, agent, contractor, or representative of
12 a government entity.

13 "Historical Location Information" means information that, when accessed, reveals the
14 locations of persons or vehicles more than 24 hours prior to the date of the access.

15 "Supervisor" means a government official who possesses the authority to direct and
16 discipline several government officials within a government entity.

17 "Warrant" means a court order that is supported by individualized probable cause and
18 executed by a magistrate or judge. For purposes of this act, a subpoena is not a warrant.

§62-1G-4. Historical location information access.

1 No government official shall access a database that reveals historical location information
2 subject to the following exceptions:

3 (1) When the government official has obtained a warrant to access the database;
4 (2) When any individuals whose historical location information would be revealed freely
5 and voluntarily consent, so long as that consent does not allow the government official to access
6 the historical location information of individuals who have not consented;

7 (3) When the registered owner of a vehicle reports the vehicle lost or stolen and freely and
8 voluntarily consents;

9 (4) When exigent circumstances make it impractical to obtain a warrant before the
10 exigency expires; or

11 (5) When the government official is carrying out any of the following purposes and uses the
12 historical location information solely for those purposes:

13 (A) Toll collection and enforcement;

14 (B) Traffic enforcement;

15 (C) Parking enforcement; or

16 (D) Information security as necessary to implement the requirements of §62-1G-5 of this

17 code.

§62-1G-5. Historical location information security.

1 (a) A government official or entity that collects historical location information may not share
2 it outside the official's or entity's jurisdiction, except for a reason set forth in §62-1G-4 of this code
3 or pursuant to a valid court order. For purposes of this act, a subpoena is not a valid court order.

4 (b) A government official or entity that collects historical location information may not sell or
5 convey it to a private, non-governmental third party for any reason, whether as a market
6 transaction, a response to a public records request, or otherwise.

7 (c) A government official or entity that collects historical location information shall adopt a
8 policy for compliance with this Act that meets the following requirements:

9 (1) Ensures the security and access regulations of this act are being followed;

10 (2) Ensures historical location information is encrypted or otherwise rendered unreadable
11 to an unauthorized accessor using methodology or technology generally accepted in the field of
12 information security;

13 (3) Ensures that government officials do not access a database that reveals historical
14 location information absent a showing to a supervisor, and written approval by that supervisor, that
15 the access complies with §62-1G-4 of this code;

16 (4) Ensures a record is created and maintained every time historical location information
17 was accessed. The record shall include:

18 (A) The identity of the government official and entity seeking access;

19 (B) The specific purpose for which access was sought;

20 (C) The provision of §62-1G-4 of this code that permitted access and the specific factual
21 basis for believing that the provision was satisfied;

22 (D) The written supervisor approval that granted access;

23 (E) The full description of the historical location information accessed; and

24 (F) Redactions for license plate numbers, facial images, or other personally identifiable

25 information;

26 (5) Ensures that the records required under subsection (c)(4) of this section are audited by
27 one or more supervisors no less frequently than every 30 days to ensure compliance with this act.

28 The government official or entity shall create written standardized policies or practices for such
29 audits that require, at minimum:

30 (A) Verification that all information required under subsection (c)(4) has been provided;

31 (B) Verification that the specific purpose for which access was sought complies with this
32 act;

33 (C) Verification that the scope of the historical location information accessed was
34 appropriate in light of the specific purpose;

35 (D) Evaluation of whether any other factors suggest noncompliance with this act, such as
36 large volumes of searches by the same officer, differing reasons for searching for similar historical
37 location information, or any other factors that would tend to suggest that the specific purpose
38 provided for the search was pretextual or not permitted under this act; and

39 (E) In the event the auditor or auditors determine or have reason to believe that a
40 government official or entity has violated any provision of this act, further investigation of such
41 actual or suspected violation;

42 (6) Ensures the creation and maintenance of an annual report that both compiles and
43 summarizes the records described in §62-1G-5(c)(4), which report shall be made available to the
44 legislature and the Governor upon written request, and to citizens pursuant to a valid public
45 records request; and

46 (7) Ensures that all government officials whose duties include accessing a database that
47 contains historical location information complete training on how to comply with this act and the
48 compliance policy adopted pursuant to this subsection. The training shall not be created or
49 administered by a private entity whose business involves collecting historical location information.

50 (d) A government official or entity that collects historical location information may retain the

51 historical location information no longer than 10 days.

§62-1G-6. Enforcement provisions.

1 (a) Historical location information accessed in violation of this act shall not be admissible
2 as evidence in any criminal or civil proceeding.

3 (b) If a government entity learns that a government official within that government entity
4 has violated any provision of this act, the government entity shall suspend that government
5 official's access to any database that contains historical location information for:

6 (1) Seven days upon a first violation;

7 (2) Thirty days upon a second violation; and

8 (3) Permanently upon a third violation.

9 (c) If the Attorney General learns that a government official or entity has violated any
10 provision of this act, the Attorney General shall be empowered to bring a civil action for declaratory
11 and injunctive relief to prevent any ongoing or future violations.

12 (d) Nothing in this section precludes a government official or entity from taking additional or
13 more severe disciplinary actions when it learns of violations of the provisions of this act.

§62-1G-7. Municipal regulation.

1 No municipality or political subdivision of this state may enact laws or regulations that allow
2 government officials or entities to access historical location information in a manner less restrictive
3 than that provided in this act.

NOTE: The purpose of this bill is to protect citizens from databases created that reveal or contain information that can be used to reveal citizens' or vehicles' historical locations.

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