

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

**House Bill 4722**

**FISCAL  
NOTE**

By Delegates Heckert, McCormick, D. Cannon,  
Adkins, Stephens, Roop, Crouse, Marple, Browning,  
Masters, and G. Howell

[Introduced January 22, 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 §61-5B-1, relating to false judicial accusations; providing definitions; creating  
3 an offense; creating criminal penalties; providing remedies; creating enhanced penalties;  
4 and providing a confidential registry.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5B. FALSE JUDICIAL ACCUSATIONS AFTER THE DETERMINATION OF**

**FALSITY.**

**§61-5B-1. False judicial accusation.**

1 (a) Definitions. – For purposes of this article, the following terms have the following  
2 meanings:

3 (1) "False judicial accusation" untrue claims of wrongdoing made in a legal context, often  
4 with intent to harm, and can range from intentionally lying under oath (perjury) to filing baseless  
5 police reports or providing fabricated evidence, obstructing justice and potentially leading to  
6 severe penalties for the accuser and serious consequences for the falsely accused.

7 (2) "Harm" means the severe, and sometimes irreparable, injury to an individual's  
8 reputation, liberty, emotional well-being, and financial stability, alongside the disruption of the  
9 justice system.

10 (3) "Judicial proceeding" means:

11 (A) Any proceeding before any court or commissioner thereof or justice of the peace; or  
12 (B) Any quasi-judicial proceeding before a board, commission or public servant, the  
13 outcome of which is required to be based on a record or documentation prescribed by law.

14 (b) Offense. – A person commits the offense of false judicial accusation after determination  
15 of falsity if the person knowingly makes, repeats, maintains, or republishes a false allegation within  
16 a judicial proceeding after notice of a determination of falsity and with intent to cause harm or  
17 influence a judicial outcome.

18        (c) *Criminal penalties.* – A violation of this section constitutes a misdemeanor for a first  
19        offense and a felony for a second or subsequent offense. Enhanced felony penalties apply where  
20        the false allegation results in arrest, loss of custody, issuance of a protective order, or loss of  
21        employment or licensure.

22        (d) *Mandatory remedies.* – Upon conviction, the court shall order restitution, corrective  
23        notice to affected agencies, and expungement assistance for records related to the false  
24        allegation.

25        (e) *Civil cause of action.* – A person harmed by conduct prohibited under this article has a  
26        private right of action for damages, including presumed damages, attorney fees, and treble  
27        damages for repeat or aggravated violations.

28        (f) *Child protective services enhancement.* – Knowingly making or maintaining a false  
29        allegation to child protective services after a determination of falsity is subject to enhanced  
30        penalties and limited disclosure of reporter identity for prosecution or civil action.

31        (g) *Confidential registry.* – The Supreme Court of Appeals shall maintain a non-public  
32        registry of persons convicted under this section for judicial and prosecutorial use only.

33        (h) *Safe harbor.* – This article does not apply to good-faith reports, timely recantations prior  
34        to a determination of falsity, or statements lacking intent to cause harm.

35        (i) *Construction.* – Nothing in this article shall be construed to discourage good-faith  
36        reporting, criminalize protected speech, or limit prosecutorial discretion.

NOTE: The purpose of this bill is to create the crime of false judicial accusation after the determination of falsity.

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