WEST VIRGINIA CODE: §5A-8-24

§5A-8-24. Protection of personal information relating to judicial officers, prosecutors, and law-enforcement officers.

(a) This section shall be known as Daniel's Law.

(b) This act shall be liberally construed in order to accomplish its purpose and the public policy of this state, which is to enhance the safety and security of certain public officials in the justice system, including judicial officers, prosecutors, federal and state public defenders, federal and state assistant public defenders, and law-enforcement officers, who serve or have served the citizens of West Virginia, and the immediate family members of these individuals, to foster the ability of these public servants who perform critical roles in the justice system, and to carry out their official duties without fear of personal reprisal from affected individuals related to the performance of their public functions.

(c) *Definitions*. — As used in this section:

(1) "Disclose" means to publish, publicly display, distribute, deliver, circulate, post, lend, provide, advertise, or disseminate by any means including, but not limited to, electronic transmission and on any medium including, but not limited to, the Internet.

(2) "Immediate family member" means spouse, child, parent, or any other family member related by blood or by law to the judicial officer, prosecutor, or law-enforcement officer, and who resides in the same residence as the judicial officer, prosecutor, federal or state public defender, federal or state assistant public defender, or law-enforcement officer.

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

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

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

(d) Unless written permission is first obtained from the individual, a state or local government agency shall not knowingly disclose, redisclose, or otherwise make available the

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home address or unpublished home or personal telephone number of any active, formerly active, or retired judicial officer, prosecutor, federal or state public defender, federal or state assistant public defender, or law-enforcement officer.

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

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

(2) The court may award:

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

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

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

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

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

(g) Any immediate family member of any active, formerly active, or retired judicial officer, prosecutor, federal or state public defender, federal or state assistant public defender, or law-enforcement officer whose name, home address, or unpublished home or personal telephone number, which may be used alone or in conjunction with any other information to identify the person as the family member of an active, formerly active, or retired judicial officer, prosecutor, federal or state public defender, federal or state assistant public defender, or law-enforcement officer, is disclosed, redisclosed, or otherwise made available by any person, business, or association in violation of subsection (e) of this section may

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request that the person, business, or association that disclosed, redisclosed, or otherwise made available the information to refrain from that action and remove the information.

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

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

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

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

(i) This section does not prohibit disclosures required by state or federal law.

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