WEST VIRGINIA CODE: §61-6-20

§61-6-20. Falsely reporting an emergency incident; making threats of a crime of violence.

(a) For purposes of this section:

(1) “Crime of violence" means any criminal offense, whether classified as a felony or misdemeanor under the laws of this state, that requires as an element the use, attempted use, or threatened use of physical force against another person.

(2) “Threat” means any communication that a reasonable person, in view of the totality of the circumstances, including the context, the medium of transmission, and the relationship between the communicator and the recipient, would interpret as a serious expression of intent to commit a crime of violence against another person and that would cause the recipient to be placed in reasonable apprehension of such harm.

(3) "Severe public alarm or inconvenience" means the following:

(A) The evacuation or closure of a building, place of assembly, facility of public transportation, or other public space;

(B) The substantial disruption of public services, including but not limited to emergency response, law enforcement activities, or transportation;

(C) Widespread fear or panic among members of the public, as evidenced by multiple reports to authorities or observable public reaction; or

(D) Any other significant interference with the ordinary activities of the public that a reasonable person would consider serious, considering the nature, context, and foreseeable consequences of the threat.

(b) A person is guilty of reporting a false emergency incident when knowing the information reported, conveyed, or circulated is false or baseless, he or she:

(1) Initiates or circulates a false report or warning of impending occurrence of a fire, explosion, crime, catastrophe, accident, illness, or other emergency under circumstances in which it is likely that severe public alarm or inconvenience will result or that firefighting apparatus, ambulance apparatus, one or more rescue vehicles or other emergency apparatus might be summoned;

(2) Reports, by word or action, to any official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property, an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, accident, illness, or other emergency in which it is likely that severe public alarm or inconvenience

WV Legislature

will result or that firefighting apparatus, ambulance apparatus, one or more rescue vehicles or other emergency apparatus might be summoned, which did not occur, does not in fact exist;

(3) Reports to a law-enforcement officer or agency the alleged occurrence of any offense or incident which did not in fact occur, or an allegedly impending occurrence of an offense or incident which is not in fact about to occur, or false information relating to an actual offense or incident or to the alleged implication of some person; or

(4) Without just cause, calls or summons by telephone, fire alarm system, or otherwise, any firefighting apparatus, ambulance apparatus, rescue vehicles, or other emergency vehicles.

(c) Any person who violates the provisions of subsection (b) of this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $500 or confined in jail not more than six months, or both fined and confined.

(d) Notwithstanding the provisions of subsection (b) of this section, any person convicted of a second or subsequent violation of subsection (b) of this section or, of a violation of subsection (b) of this section which results in bodily injury to another person is guilty of a felony and, upon conviction thereof, shall be fined not less than $5,000 nor more than $10,000, or imprisoned in a state correctional facility for a term of not less than one year nor more than five years, or both fined and imprisoned.

(e) A person is guilty of communicating a threat to commit a crime of violence when he or she intentionally communicates a threat to commit any crime of violence against another person or persons and

(1) Causes severe public alarm or inconvenience; or

(2) Recklessly disregards the risk of causing such severe public alarm or inconvenience.

(f) Any person who violates subsection (e) of this section is guilty of a felony and, upon conviction, shall be fined not less than $2,500 nor more than $10,000, or confined in a state correctional facility for not less than one year nor more than 10 years, or both fined and confined.

(g) Notwithstanding any other provision of this code to the contrary, any person who is charged with an offense under subsection (e) and who is on pre-trial release or convicted of an offense pursuant to subsection (e) and has had his or her sentence suspended, been granted probation, been released on parole, been incarcerated pursuant to §62-11B-4 of this code, been granted work release pursuant to §62-11A-1 of this code, been granted a conditional release pursuant to §27-6A-5 of this code, or been granted any other type of release from confinement may be prohibited by a court from establishing a residence, or accepting employment, within 1,000 feet of the location of the place where the violence was threatened to occur throughout the duration of the period that the person is on pre-trial

WV Legislature

release, supervised post-conviction release, or conditional release: *Provided*, That a person who is on pre-trial release or is on post-conviction or conditional supervised release due to an alleged, or actual, violation of subsection (e) of this section, shall not establish a residence, or accept employment, within 1,000 feet of the residence of any threatened person, when the threat is directed at an identifiable individual or individuals, throughout the duration of the period that the person is on pre-trial release, supervised post-conviction release, or conditional release.

(h) Any offense alleged to have been committed pursuant to subsection (e) of this section may be determined to have occurred at the place at which the communication originated or the place at which the communication was received or intended to be received.

(i) It is not a defense against any prosecution pursuant to this section that the defendant did not have the ability to complete the threatened violence.

(j) The offenses set forth in this section are in addition to and separate and distinct from any other offenses set forth in this code.

(k) Prior to the sentencing of a person who has been convicted of a violation of this section, the court may enter an order directing any law enforcement agency or emergency service provider involved in the emergency response that wishes to be reimbursed for the costs incurred by the agency or provider during the emergency response, to file with the court within a specified time an itemized statement of those costs. The court may then order the offender to reimburse the agency for all or a portion of those costs.

(l) This section does not apply to any person conducting an authorized emergency drill.

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