WEST VIRGINIA CODE: §61-8B-19

§61-8B-19. Court files and law-enforcement records; confidentiality.

(a) *Records confidential*.— All records and information maintained by the courts of this state or any law enforcement agency of this state or any of its political subdivisions, which contain identifying information of a victim in an arrest, investigation, or complaint for the offenses enumerated in §61-8A-1 *et seq*., §61-8B-1 *et seq*., §61-8C-1 *et seq*., or §61-14-1 *et seq*. of this code, or for the offenses included in §61-8D-3a, §61-8D-5, and §61-8DB-6 of this code, shall be kept confidential and withheld from inspection, except: (1) When required by law; (2) when necessary for law-enforcement purposes or preparation for court proceedings; or (3) pursuant to an order of a court issued in accordance with subsection (c) of this section.

(b) *Orders permitting examination or copying of file contents*.— Upon written motion filed in the circuit court of the county where the criminal action is pending or has been prosecuted, a circuit court, for good cause shown, may enter an order allowing a person who is precluded access to a court file or law-enforcement record pursuant to subsection (a) of this section the authority to examine and copy documents in a file. The order shall set forth specific findings which demonstrate why the interests of justice necessitate the examination, specify the particular documents to be examined or copied, or both examined and copied and the circumstances under which such action or actions shall take place.

(c) *Obtaining confidential records*.— Absent a waiver of confidentiality by the subject of the confidential records, the records are only subject to subpoena pursuant to subsection (d) of this section.

(d) *Subpoena Duces Tecum*.— Any court file or law-enforcement record in the offenses included in subsection (a) of this section may be supplied to any person presenting a valid subpoena duces tecum issued by a state or federal court in any criminal action. Any file or record obtained under this subsection shall be used only in the context of the case in which the subpoena was issued and not for any other purpose.

(e) *Victim request*.— Upon a written request of a victim, decisions of the West Virginia Intermediate Court of Appeals and the West Virginia Supreme Court of Appeals issued on or after July 1, 2022, involving the offenses enumerated in subsection (a) of this section shall not contain the first and last names of the victim.

(f) *Supreme Court authorization*.— The Supreme Court of Appeals is requested to promulgate rules prior to July 1, 2022, to the extent necessary to comply with the provisions of this article that become effective on that date.

WV Legislature