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FILED

2002 MAR 27 P 3: 48

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

Regular Session, 2002



**ENROLLED**

Committee Substitute for

**SENATE BILL NO.** 435

(By Senator Mitchell et al )



**PASSED** March 9, 2002

**In Effect** ninety days from **Passage**

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

## ENROLLED

COMMITTEE SUBSTITUTE

FOR

### Senate Bill No. 435

(SENATORS MITCHELL, FANNING, KESSLER, MINARD, OLIVERIO,  
ROWE, FACEMYER AND MCKENZIE, *original sponsors*)

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[Passed March 9, 2002; in effect ninety days from passage.]

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AN ACT to amend article six, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirteen, relating to local emergency telephone systems; providing for the confidentiality of calls received by a county answering point reporting crimes or possible criminal conduct, fire calls and calls for emergency medical dispatch; providing exceptions thereto; declaring all other calls nonconfidential; requiring promulgation of written policy of compliance; and requiring retention of records of calls.

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

That article six, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section thirteen, to read as follows:

**ARTICLE 6. LOCAL EMERGENCY TELEPHONE SYSTEM.**

**§24-6-13. Confidentiality of certain calls to county answering points and records; retention of records.**

1 (a) Except as provided by the provisions of this section,  
2 calls for emergency service to a county answering point are  
3 not confidential. All calls for emergency service reporting  
4 alleged criminal conduct which are recorded electroni-  
5 cally, in writing or in any other form, are to be kept  
6 confidential by the county answering point receiving the  
7 call and may be released only pursuant to an order entered  
8 by a court of competent jurisdiction, a valid subpoena or  
9 through the course of discovery in a criminal action  
10 requiring the release of the information: *Provided*, That  
11 nothing contained in this section may be construed as  
12 preventing the county answering point from releasing  
13 information to a responding agency as may be necessary  
14 for that agency's response on a call or the completion of  
15 necessary reports relating to that call.

16 (b) Upon proper request and payment of a reasonable fee  
17 set by the center director to cover the cost of production,  
18 a person or entity may obtain, without court order or a  
19 valid subpoena, a transcription of a call for emergency  
20 service reporting alleged criminal conduct. The answering  
21 point shall exclude from the transcription any information  
22 relating to the identity of the caller including, but not  
23 limited to, the caller's name, address, telephone number or  
24 his or her location in relation to the alleged offense or the  
25 alleged perpetrator. If the transcript of a call is such that  
26 it cannot be successfully redacted so as to protect the  
27 identity of the caller, the answering point may decline to  
28 provide the transcript. In that case, the person requesting

29 the transcription may apply to a court of competent  
30 jurisdiction for a court order releasing the transcript.

31 (c) All calls for emergency service which are recorded  
32 electronically, in writing or in any other form are to be  
33 maintained for a period of at least ninety days or longer if  
34 required by an order entered by a court of competent  
35 jurisdiction or a valid subpoena.

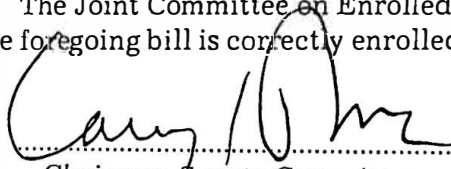
36 (d) A county answering point may release information to  
37 bonafide law-enforcement agencies, the prosecuting  
38 attorney of a county or a United States attorney pursuant  
39 to a lawful criminal investigation. Nothing in this article  
40 may be construed as prohibiting a freedom of information  
41 request under chapter twenty-nine-b of this code for  
42 information relating to the operation of the center or to  
43 calls for emergency service which do not involve reporting  
44 of alleged criminal conduct.

45 (e) Nothing in this article requires disclosure of any  
46 information that is specifically exempt from disclosure by  
47 statute. Except as otherwise provided in this article,  
48 nothing prohibits disclosure of information that is not  
49 specifically exempted from disclosure under a provision of  
50 this code.

51 (f) Every county answering point shall, within ninety  
52 days of the effective date of this section, promulgate a  
53 written policy, available to the public, reflecting its  
54 compliance with the provisions of this section.

55 (g) No answering point or center personnel shall be  
56 civilly liable for any injury arising from disclosure of  
57 information pursuant to the provisions of this section.

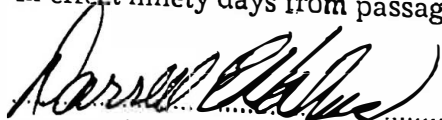
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

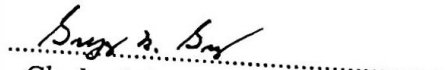
  
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Chairman Senate Committee

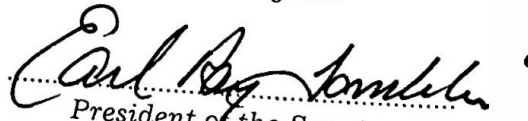
  
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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker House of Delegates

The within is approved..... this the 27th  
Day of March....., 2002.

  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/02

Time 2:50 