

FILED

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WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 242

(SENATORS COLE (MR. PRESIDENT) AND KESSLER,
BY REQUEST OF THE EXECUTIVE)

[PASSED MARCH 14, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB 242

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FOR

Senate Bill No. 242

(SENATORS COLE (MR. PRESIDENT) AND KESSLER,
BY REQUEST OF THE EXECUTIVE)

[Passed March 14, 2015; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated § 15-5-19b, relating to creating new offense of disseminating false, misleading or deceptive information during a declared state of emergency or state of preparedness; establishing elements of the offense; providing each call constitutes a separate offense; and establishing penalties.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated § 15-5-19b, to read as follows:

ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

§15-5-19b. Criminal penalties for using automated telephone calls to disseminate false, misleading or deceptive information regarding matters effecting or effected by a proclaimed state of emergency or state of preparedness.

1 (a) Any person or entity who, during a state of emergency
2 or state of preparedness declared pursuant to the provisions
3 of section six of this article: (1) Knowingly and willfully
4 disseminates false, misleading or deceptive information
5 regarding matters effecting or effected by the declaration; and
6 (2) by means of an automated telephone call or calling
7 device, including, but not limited to, technology designed to
8 disseminate a previously recorded message shall be guilty of
9 a misdemeanor and, upon conviction thereof, be confined in
10 jail for not more than one year or fined not more than \$5,000,
11 or both.

12 (b) For purposes of this section each call made shall
13 constitute a separate violation of this section.

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

Paul R. Stuyvenberg
.....
Chairman Senate Committee

John B. H. K.
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clark A. Barnes
.....
Clerk of the Senate

Stephen J. Hannon
.....
Clerk of the House of Delegates

Will P. ...
.....
President of the Senate

Walter ...
.....
Speaker of the House of Delegates

The within *is approved* this the *24th*
March
Day of, 2015.

Carl Roy Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 20 2015

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