

**WEST VIRGINIA LEGISLATURE FILED**

**2016 REGULAR SESSION**

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 2122**

(BY DELEGATES AMBLER, COOPER, HOUSEHOLDER,

WALTERS, R. SMITH, CANTERBURY AND GEARHEART)

[Passed March 7, 2016; in effect ninety days from passage.]

HB 2122

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(BY DELEGATES AMBLER, COOPER, HOUSEHOLDER,  
WALTERS, R. SMITH, CANTERBURY AND GEARHEART)

[Passed March 7, 2016; in effect ninety days from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §61-8-30, relating to making it illegal for first responders to photograph, film,  
3 videotape, record or otherwise reproduce in any manner the image of a human corpse or  
4 person being provided medical care or assistance except for enumerated purposes;  
5 defining terms; creating a criminal offense for first responders to photograph, film,  
6 videotape, record or otherwise reproduce in any manner the image of a human corpse or  
7 person being provided public safety services, medical care or assistance unless it is for a  
8 legitimate purpose associated with his or her employment; creating a criminal offense for  
9 first responders to knowingly disclose any photograph, film, videotape, record or other  
10 reproduction of the image of a human corpse or person being provided public safety  
11 services, medical care or assistance unless disclosure is for a legitimate cause associated  
12 with his or her employment; providing for exceptions to the criminal offenses; providing for  
13 criminal penalties; providing for enhanced penalties for subsequent offenses; and  
14 designating provision as "Jonathan's Law".

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 section, designated §61-8-30, to read as follows:

**ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.**

**§61-8-30. Photography of a corpse or person being provided medical care or assistance;  
prohibitions; exceptions; Jonathan's Law.**

1 (a) As used in this section:

2 (1) "Disclose" means to sell, manufacture, give, provide, lend, trade, mail, deliver, transfer,  
3 publish, distribute, circulate, disseminate, present, exhibit, advertise, offer or otherwise  
4 make available or make known to any third party.

5 (2) "First responder" means law-enforcement officers, firefighters, emergency medical  
6 services personnel and other similar individuals authorized to respond to calls for public safety  
7 services or emergency medical assistance.

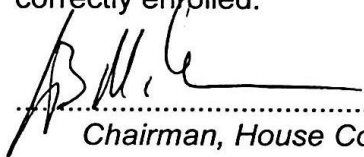
8 (b)(1) A first responder who is present at a motor vehicle accident or other emergency  
9 situation for the purpose of providing public safety services or medical care or assistance shall  
10 not photograph, film, videotape, record or otherwise reproduce in any manner the image of a  
11 human corpse or a person being provided medical care or assistance, except for a legitimate law-  
12 enforcement purpose, public safety purpose, health care purpose, insurance purpose, legal  
13 investigation or legal proceeding involving an injured or deceased person or pursuant to a court  
14 order.

15 (2) A first responder shall not knowingly disclose any photograph, film, videotape, record  
16 or other reproduction of the image of a human corpse or a person being provided medical care or  
17 assistance at the scene of a motor vehicle accident or other emergency situation without prior  
18 written consent of the injured person, the person's next-of-kin if the injured person cannot provide  
19 consent, or personal representative under law of a deceased person, unless that disclosure is for  
20 a legitimate law enforcement purpose, public safety purpose, health care purpose, insurance  
21 purpose, legal investigation or legal proceeding involving an injured or deceased person or  
22 pursuant to a court order.

23 (3) Any person who violates subdivision (1) or (2) of this subsection is guilty of a  
24 misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500.  
25 For a second offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall  
26 be confined in jail for twenty-four hours and shall be fined not less than \$100 nor more than \$750.  
27 For a third or subsequent offense, the person is guilty of a misdemeanor and, upon conviction  
28 thereof, shall be confined in jail for not less than twenty-four hours nor more than six months and  
29 shall be fined not less than \$1,000 nor more than \$5,000.

30 (c) This section shall be known as "Jonathan's Law".

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

  
.....  
Chairman, House Committee

  
.....  
Chairman, Senate Committee


Originating in the House.

In effect ninety days from passage.

  
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Clerk of the House of Delegates

  
.....  
Clerk of the Senate

  
.....  
Speaker of the House of Delegates

  
.....  
President of the Senate

The within is approved this the 16th  
day of March ....., 2016.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 11 2016

Time 2:55 pm