

H. B. 2773

(By Delegates Butcher, Caputo, Rodighiero,
Skaff, Hall and Stowers)

[Introduced January 24, 2011; referred to the
Committee on the Judiciary then Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §6-3A-1, §6-3A-2 and §6-3A-3, all relating to neighborhood crime watch programs; creation of the organization; purpose of the program; criminal penalties for harassing members of the program; and procedures for maintaining the anonymity of members of this group and others that report crimes.

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 article, designated §6-3A-1, §6-3A-2 and §6-3A-3, all to read as follows:

ARTICLE 3A. NEIGHBORHOOD CRIME WATCH.

§6-3A-1. Establishment of neighborhood crime watch programs; purpose.

(a) A county sheriff or Municipal Police Department may promote and assist in establishing neighborhood crime watch

1 programs within the county or municipality. The participants of a
2 neighborhood crime watch program shall include, but need not be
3 limited to, residents of the county or municipality and owners of
4 businesses located within the county or municipality.

5 (b) The purpose of neighborhood crime watch programs are to
6 utilize volunteers to proactively protect their neighborhoods and
7 inform the public of procedures that are available that offer
8 anonymity to people who report criminal activity in their
9 community.

10 **§6-3A-2. Harassment of participants of neighborhood crime watch**
11 **program prohibited; penalty; and definitions.**

12 (a) Any person that willfully harasses, threatens or
13 intimidates an identifiable member of a neighborhood crime watch
14 program while such member is engaged in, or traveling to or from,
15 an organized neighborhood crime watch program activity or a member
16 who is participating in an ongoing criminal investigation as
17 designated by a law-enforcement officer is guilty of a misdemeanor
18 and, upon conviction thereof, shall be fined not more than \$1,000
19 or confined in jail for a period of not more than one year, or both
20 fined and confined.

21 (b) As used in this section, the term:

22 (1) "Harass" means, to engage in a course of conduct directed
23 at a specific person or group of persons which causes substantial
24 emotional distress in that person or persons.

1 (2) "Organized neighborhood crime watch program activity"
2 means any prearranged event, meeting or other scheduled activity,
3 or neighborhood patrol, conducted by or at the direction of a
4 neighborhood crime watch program, the program's authorized designee
5 or the county sheriff or Municipal Police Department.

6 **§6-3A-3. Records not subject to Freedom of Information Act**
7 **requests.**

8 Records that would reveal the names, home addresses, telephone
9 numbers, e-mail addresses or any other data or information
10 developed, collected or received by counties or municipalities in
11 connection with neighborhood crime watch programs are not subject
12 to Freedom of Information Act requests: *Provided, That initial*
13 police reports and initial incident reports shall remain subject to
14 disclosure but any mention of the names, home addresses, telephone
15 numbers, e-mail addresses or any other information that could be
16 used to identify the source of the information on the police report
17 is redacted out.

NOTE: The purpose of this bill is to create neighborhood crime watch programs, develop penalties for harassing officials of this programs and creating a policy that will maintain informants anonymity.

This article is new; therefore, it has been completely underscored.