

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4178

BY DELEGATES MILLER, LOVEJOY, LAVENDER-BOWE, D.

KELLY, HANSEN AND S. BROWN

[Introduced January 14, 2020; Referred to the
Committee on Fire Departments and Emergency
Medical Services then the Judiciary.]

1 A BILL to amend and reenact §24-6-13 of the Code of West Virginia, 1931, as amended, relating
2 to requiring calls which are recorded be maintained for a period of five years.

Be it enacted by the Legislature of West Virginia:

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

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

20 (c) All calls for emergency service which are recorded electronically, in writing or in any
21 other form are to be maintained for a period of at least ~~ninety days~~ five years or longer if required
22 by an order entered by a court of competent jurisdiction or a valid subpoena.

23 (d) A county answering point may release information to bonafide law-enforcement
24 agencies, the prosecuting attorney of a county or a United States attorney pursuant to a lawful
25 criminal investigation. Nothing in this article may be construed as prohibiting a freedom of
26 information request under §29B-1-1 *et seq.* of this code for information relating to the operation
27 of the center or to calls for emergency service which do not involve reporting of alleged criminal
28 conduct.

29 (e) Nothing in this article requires disclosure of any information that is specifically exempt
30 from disclosure by statute. Except as otherwise provided in this article, nothing prohibits
31 disclosure of information that is not specifically exempted from disclosure under a provision of this
32 code.

33 (f) Every county answering point shall, within 90 days of the effective date of this section,
34 promulgate a written policy, available to the public, reflecting its compliance with the provisions of
35 this section.

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

NOTE: The purpose of this bill is to require that calls for emergency service which are recorded be maintained for a period of five years.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.