

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3031

BY DELEGATES WALKER, HANSEN, THOMPSON,

HORNBUCKLE, YOUNG AND PUSHKIN

[Introduced March 10, 2021; Referred to the

Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §55-7-32, relating to authorizing civil damages for any person who was subject
 3 to an intentionally false report made to law enforcement that results in harm to the person
 4 subject to the report.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. ACTIONS FOR INJURIES.

§55-7-32. False reporting to law enforcement; civil remedy.

1 (a) A person may bring a civil action for damages against any person who knowingly
 2 causes a law-enforcement police officer to arrive at a location to contact another person with the
 3 intent to:

4 (1) Infringe on the other person’s rights under the West Virginia or United States
 5 Constitution;

6 (2) Unlawfully discriminate against the other person;

7 (3) Cause the other person to feel harassed, humiliated or embarrassed;

8 (4) Cause the other person to be expelled from a place in which the other person is lawfully
 9 located; or

10 (5) Damage the other person’s:

11 (A) Reputation or standing within the community; or

12 (B) Financial, economic, consumer or business prospects or interests.

13 (b) Upon prevailing in an action under this section, the plaintiff may recover the greater of:

14 (1)(A) Special and general damages, including damages for emotional distress; or

15 (B) Statutory damages of \$250 against each defendant found liable under this section;

16 and

17 (2) Punitive damages.

18 (c) The court may award reasonable attorney fees to the prevailing plaintiff in an action
 19 under this section.

20 (d) A civil action under this section does not affect a right or remedy available under any
21 other law of this state.

NOTE: The purpose of this bill is to allow for a civil damages for any person who was subject to an intentionally false report made that results in the appearance of a law enforcement officer and that results in harm to the person subject to the report.

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