WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2289

By Delegate Walker

[Introduced January 11, 2023; Referred to the Committee on the Judiciary]

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

(a) A person may bring a civil action for damages against any person who, with the intent to:

(1)(A) Infringe on another person’s rights under the West Virginia or United States Constitution;

(B) Unlawfully discriminate against the other person;

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

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

(E) Damage the other person’s reputation or standing within the community or the other person’s financial, economic, consumer, or business prospects or interests; and

(2) Knowingly causes a police, or other law-enforcement officer, to arrive at a location to contact or confront the other person.

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

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

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

(2) Punitive damages.

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

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

NOTE: The purpose of this bill is to authorize suits for civil damages for any person who is subject to an intentionally false report 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.