

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Introduced**

**House Bill 2289**

By Delegate Walker

[Introduced January 11, 2023; 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 is subject to  
 3 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, with the intent  
 2 to:

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

5 (B) Unlawfully discriminate against the other person;

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

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

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

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

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; and

16 (2) Punitive damages.

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

19 (d) A civil action under this section does not affect any other right or remedy available

20 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.