

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4845

BY DELEGATES HILLENBRAND, CHIARELLI, MCGEEHAN,

C. PRITT, PHILLIPS, BROOKS, SHAMBLIN, THORNE,

MAYNOR, RIDENOUR, AND HANSHAW (MR. SPEAKER)

[Passed March 6, 2024; in effect ninety days from

passage.]

1 AN ACT to amend and reenact §61-6-20 of the Code of West Virginia, 1931, as amended, relating
2 to increasing the penalties for certain instances of false reporting of an emergency
3 incident, clarifying the applicability of this section; and establishing a protocol for
4 restitution.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-20. Falsely reporting an emergency incident.

1 (a) A person is guilty of reporting a false emergency incident when knowing the information
2 reported, conveyed, or circulated is false or baseless, he or she:

3 (1) Initiates or circulates a false report or warning of or impending occurrence of a fire,
4 explosion, crime, catastrophe, accident, illness, or other emergency under circumstances in which
5 it is likely that public alarm or inconvenience will result or that firefighting apparatus, ambulance
6 apparatus, one or more rescue vehicles or other emergency apparatus might be summoned; or

7 (2) Reports, by word or action, to any official or quasi-official agency or organization having
8 the function of dealing with emergencies involving danger to life or property, an alleged
9 occurrence or impending occurrence of a fire, explosion, crime, catastrophe, accident, illness, or
10 other emergency in which it is likely that public alarm or inconvenience will result or that firefighting
11 apparatus, ambulance apparatus, one or more rescue vehicles or other emergency apparatus
12 might be summoned, which did not occur, does not in fact exist; or

13 (3) Reports to a law-enforcement officer or agency the alleged occurrence of any offense
14 or incident which did not in fact occur, or an allegedly impending occurrence of an offense or
15 incident which is not in fact about to occur, or false information relating to an actual offense or
16 incident or to the alleged implication of some person; or

17 (4) Without just cause, calls or summons by telephone, fire alarm system, or otherwise,
18 any firefighting apparatus, ambulance apparatus, rescue vehicles, or other emergency vehicles.

19 (b) Any person who violates the provisions of subsection (a) of this section is guilty of a
20 misdemeanor, and, upon conviction thereof, shall be fined not more than \$500 or confined in jail
21 not more than six months, or both fined and confined.

22 (c) Notwithstanding the provisions of subsection (a) of this section, any person convicted of a
23 second or subsequent violation of the provisions of this section or, of a violation of this section which
24 results in bodily injury to another person is guilty of a felony and, upon conviction thereof, shall be
25 fined not less than \$5,000 nor more than \$10,000, or imprisoned in a state correctional facility for
26 a term of not less than one year nor more than five years, or both fined and imprisoned.

27 (d) Prior to the sentencing of a person who has been convicted of a violation of this section,
28 the court may enter an order directing any law enforcement agency or emergency service provider
29 involved in the emergency response that wishes to be reimbursed for the costs incurred by the
30 agency or provider during the emergency response, to file with the court within a specified time
31 an itemized statement of those costs. The court may then order the offender to reimburse the
32 agency for all or a portion of those costs.

33 (e) This section does not apply to any person conducting an authorized emergency drill.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2024.

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Governor