

## Stop Street Harassment

# West Virginia

Verbal harassment, indecent exposure, following, and groping are a crime in West Virginia. Here are the laws and reporting procedures you need to know.

### Verbal Harassment

There are three laws that prohibit offensive or inappropriate verbal harassment in public places in West Virginia.

#### ***Disorderly Conduct***

##### [Chapter 61, Article 6, §1b](#)

It is unlawful for a person to use conduct or language in a public place that is:

- Violent
- Profane
- Indecent
- Boisterous

It is also unlawful to make unreasonably loud noise with “the intent to cause annoyance or alarm to another person.”

If a street harasser uses sexually explicit language, profanity, or threats, or loudly shouts while harassing you, you can report him/her.

A law enforcement officer may arrest a street harasser for disorderly conduct if the officer has instructed him/her to stop and s/he continues the disorderly behavior. This provision of the law re-iterates your right to get a police officer involved, should you feel you need to.

**Penalty:** For disorderly conduct, a person may be committed to the custody of the division of corrections for twenty-four hours or fined up to \$100.

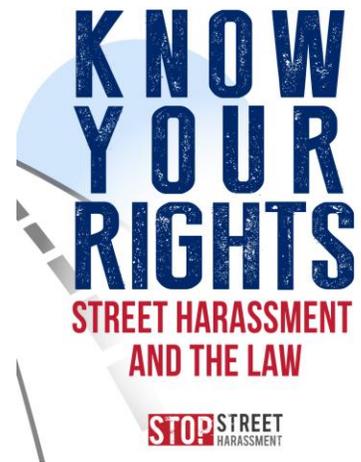
#### ***Harassment***

##### [Chapter 61, Article 2, §9a](#)

In West Virginia, it is illegal for a person to repeatedly harass or repeatedly make credible threats against another person.

Harassment means, “willful conduct directed at a specific person or persons which would cause a reasonable person mental injury or emotional distress.”

If someone makes inappropriate or offensive comments to you more than once, such as your bus stop, outside a corner store, or walking past a construction site, and that harassment makes you feel fearful or seriously distressed, you can report him/her.



## **Stop Street Harassment**

**Penalty:** Harassment is a misdemeanor, punishable by fine of up to \$100 or imprisoned in the county jail for no more than 30 days, or both.

### ***Loitering on school property***

[Chapter 61, Article 6, §14a.](#)

In West Virginia, it is illegal for a person without legitimate business at a school to loiter at or near the premises.

If you see someone hanging out near one of these facilities and s/he is harassing you or other passersby, you can report him/her to the police or a school administrator or official.

**Penalty:** Any person who loiters on school property is guilty of a misdemeanor, and may be fined up to \$100 or imprisoned in the county jail for no more than thirty days, or both. Upon a second or subsequent conviction, a person may be fined up to \$500, or imprisoned in the county jail for no more than one year, or both.

## **Indecent Exposure**

### ***Indecent Exposure***

[Chapter 61, Article 8, §9](#)

In West Virginia, it is illegal for a person to intentionally expose his or her sex organs or anus or the sex organs or anus of another person, or engage in any overt act of sexual gratification (such as masturbation), when s/he knows that others may see this and be alarmed.

If someone flashes or exposes him or herself to you, whether on the street, on public transportation, in a park, or in any other public place, you can report him/her. You could also report someone for indecent exposure if s/he lifts your dress or skirt or otherwise exposes you.

**Penalty:** Indecent exposure is a misdemeanor and can result in jail for no more than 90 days, or a fine of not more than \$250, or both. The penalty increases for each subsequent offense.

## **Following**

If you think someone is following you, you can call 911 right away – you do not have to wait for that person to commit a crime.

### ***Stalking***

[Chapter 61, Article 2, §9b](#)

Stalking is illegal in West Virginia. It is illegal for anyone to repeatedly follow you, knowing or having reason to know that their conduct causes you to reasonably fear for your safety or suffer significant emotional distress.

If the same person, on more than one occasion, follows you or harasses you and you feel threatened and unsafe, you can report that person.

## Stop Street Harassment

**Penalty:** If convicted, stalking can result in incarceration in the county or regional jail for not more than six months or a fine or no more than \$1,000, or both. The Penalty can increase if the defendant has prior convictions.

## Groping

### ***Sexual Abuse in the First Degree***

#### [Chapter 61, Article 7, §8B](#)

It is unlawful in West Virginia to subject another person to sexual contact:

- Without their consent; by force.
- When that person is physically helpless.
- When the person is younger than 12 years old and the harasser is at least 14 years old.

"Sexual contact" means intentional touching, either directly or through clothing, the anus, butt, or any part of the sex organs of another person, or the breasts of a female, when the touching is done for the purpose of gratifying the sexual desire of either party.

If someone intentionally touches your intimate body parts without your permission, either directly or through clothing, you can report that person.

**Penalty:** Sexual abuse in the first degree is a felony, and, upon conviction, a person may be imprisoned in a state correctional facility for one to five years, or fined up to \$10,000.

## Reporting Crimes to the Police

- Call 911 for help if:
  - The crime is in progress
  - You or someone else is physically hurt or have been threatened with physical violence
  - You can provide information about who may have committed a crime.
- Call the local police office's non-emergency number to submit a report afterward. For example, in Charleston, this number is (304) 348-8111 and in Morgantown, it is (304)-599-6382. Be prepared to provide them with:
  - When it happened (date and time).
  - Where it happened (street location, store location, bus line or bus stop, park name, etc).
  - Who is reporting (your name, contact information, date of birth).
  - A description of what happened.
  - The name and contact information of witnesses, if you spoke to any.
  - It can be helpful to include the law the crime falls under, such as Sexual Abuse in the First Degree, [Chapter 61, Article 7, §8B](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
  - A description of the harasser/s.

## Stop Street Harassment

- Some police departments also allow you to send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
  - In Parkersburg, you can do this via this online form on the [sidebar of the homepage](#).
  - In Shepherdstown, you can send it via e-mail, [tips@shepherdstown.us](mailto:tips@shepherdstown.us).
- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment “isn't a big deal,” or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.