

1 duty to refrain from willfully or wantonly causing the trespasser
2 injury.

3 (b) A possessor of real property may use justifiable force to
4 repel a criminal trespasser as provided by section twenty-two of
5 this article.

6 (c) This section does not increase the liability of any
7 possessor of real property and does not affect any immunities from
8 or defenses to liability established by another section of this
9 code or available at common law to which a possessor of real
10 property may be entitled.

11 (d) The Legislature intends to codify and preserve the common
12 law in West Virginia on the duties owed to trespassers by
13 possessors of real property as of the effective date of this
14 section.

NOTE: The purpose of this bill is to codify existing common law in West Virginia as it relates to the duty of care possessors of property owe trespassers.

This section is new; therefore, it has been completely underscored.

This bill was recommended for introduction and passage during the Regular Session of the Legislature by the Joint Judiciary Committee.