

1 existed as of the effective date of this section, including the
2 duty to refrain from willfully or wantonly causing the trespasser
3 injury.

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

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

12 (d) The Legislature intends to codify and preserve the common
13 law in West Virginia on the duties owed to trespassers by
14 possessors of real property as of the effective date of this
15 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, strike-throughs and
underscoring have been omitted.)