

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4668

BY DELEGATES MILEY, LOVEJOY, EVANS, CAPUTO,

WAXMAN, ROHRBACH, WORRELL AND PUSHKIN

[Passed March 6, 2020; in effect ninety days from passage.]

1 AN ACT to amend and reenact §61-3B-2 of the Code of West Virginia, 1931, as amended, relating
2 to creating the misdemeanor crime of trespass for entering a structure that has been
3 clearly marked as condemned by a municipality as unfit for human habitation; providing
4 criminal penalty; removing inconsistent language as to intent; and providing that for a first
5 offense, a municipal judge or magistrate may impose community service or pretrial
6 diversion in lieu of a fine or confinement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3B. TRESPASS.

§61-3B-2. Trespass in structure or conveyance.

1 (a) Any person who knowingly enters in, upon, or under a structure or conveyance without
2 being authorized, licensed, or invited, or having been authorized, licensed, or invited is requested
3 to depart by the owner, tenant, or the agent of the owner or tenant, and refuses to do so, is guilty
4 of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$100.

5 (b) Notwithstanding the provisions of subsection (a) of this section, any person who,
6 without permission, knowingly and willfully enters a structure which has a clear posting that the
7 structure has been condemned by any municipal or county government as unfit for human
8 habitation or use, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more
9 than \$100, or confined in jail not more than six months, or both fined and confined: *Provided*, That
10 for any first violation of this subsection offense of trespass on condemned property, a court may
11 substitute community service or pretrial diversion in lieu of a fine or confinement for trespassing
12 on condemned property.

13 (c) If the offender is armed with a firearm or other dangerous weapon while in the structure
14 or conveyance, with the intent to do bodily injury to a human being in the structure or conveyance
15 at the time the offender knowingly trespasses, the offender, notwithstanding the provisions of §61-
16 7-1 of this code, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less

Eng. CS for HB 4668

17 than \$100 nor more than \$500, or be confined in jail for not more than one year, or both fined and
18 confined.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....
Chairman, House Committee

.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

.....
Clerk of the House of Delegates

.....
Clerk of the Senate

.....
Speaker of the House of Delegates

.....
President of the Senate

The within this the.....
day of, 2020.

.....
Governor