

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4368

BY DELEGATES SMITH, BARRETT, STEELE, REYNOLDS,

AND WAMSLEY

[BY REQUEST OF THE WEST VIRGINIA CORRECTIONS &

REHABILITATION, DIVISION OF]

[Introduced January 25, 2022; Referred to the

Committee on Government Organization]

1 A BILL to amend and reenact §20-3-6 of the Code of West Virginia, 1931, as amended, relating
 2 to correcting an incorrect code citation in regard to the enforcement authority of the State
 3 Fire Marshal.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. FORESTS AND WILDLIFE AREAS.

§20-3-6. Failure of person to extinguish fire started or used by him or her; throwing lighted material on forest land; enforcement by State Fire Marshal; penalties.

1 (a) Any person who, by himself or herself, or by his or her employees, agents or guides,
 2 or as an employee, agent or guide of any other person, shall at any time build or use any fire in
 3 any field, in any public or private road, or in any area adjacent to or in any forest land in this state,
 4 shall, before leaving the fire for any period of time, totally extinguish the same.

5 (b) A person shall not at any time throw or place any lighted match, cigar, cigarette,
 6 firecracker or lighted material on any forest land, private road, public highway or railroad right-of-
 7 way within this state.

8 (c) In addition to any other law-enforcement agencies that have jurisdiction over criminal
 9 violations, the State Fire Marshal shall enforce this section as provided in ~~section twelve, article~~
 10 ~~three, chapter twenty-nine~~ §15A-10-1 et seq. of this code.

11 (d) Any person who violates any provision of this section shall be guilty of a misdemeanor
 12 and, upon conviction thereof, shall be subject to one or more of the following penalties: (1) Fined
 13 not less than \$100 nor more than \$2,000; (2) confined in the county or regional jail not less than
 14 10 days nor more than 200 days; or (3) sentenced to perform community service by cleaning up
 15 litter from any public highway, road, street, alley or any other public park or public property or
 16 waters of the state, as designated by the court, for not less than 32 hours nor more than 64 hours.

NOTE: The purpose of this bill is to correct a code citation referring to the authority and jurisdiction of the State Fire Marshal.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.