

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 84

BY SENATORS THORNE, ROSE, RUCKER, AND HART

[Reported January 23, 2026, from the Committee on
the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §62-1A-12, prohibiting installation of a surveillance camera on private land by
3 law enforcement without either property owner consent or a valid search warrant;
4 providing exceptions to prohibition on use of surveillance camera on private land; and
5 defining terms.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1A. SEARCH AND SEIZURE.

§62-1A-12. Prohibitions on surveillance cameras on private property.

1 (a) Notwithstanding any provision of this code to the contrary, a law-enforcement officer
2 may not install any surveillance camera on private land without first obtaining either consent from
3 a property owner or a valid search warrant.

4 (b) The provisions of subsection (a) of this section do not prohibit a law-enforcement officer
5 from:

6 (1) Installing a surveillance camera in an area where the law-enforcement officer has a
7 lawful right to be and facing a location on any land that is open to public view without first obtaining
8 either consent from a property owner or a valid search warrant; or

9 (2) Installing a surveillance camera on private property where exigent circumstances exist
10 and there is insufficient time to obtain consent from a property owner or a valid search warrant.

11 (c) For purposes of this section:

12 "Law-enforcement officer" means an individual employed or otherwise engaged in either
13 a public or private position which involves the rendition of services relating to enforcement of
14 federal, state, or local laws for the protection of public or private safety, and includes, but is not
15 limited to, employees or agents of the West Virginia Division of Natural Resources.

16 "Private land" means posted land, cultivated land, or fenced land, as those terms are
17 defined in §61-3B-1 of this code, that is owned by an individual or entity other than a federal,
18 state, or local government or a political subdivision thereof.

19 “Property owner” means an individual or entity, other than a governmental entity, who
20 owns, leases, licenses, or possesses real property or an employee or agent of that individual or
21 entity.

22 “Surveillance camera” means a device installed on private land that permits observing,
23 photographing, videotaping, recording, or transmitting visual images of private land or a person’s
24 activities on private land and includes, but is not limited to, a game camera: *Provided*, That a law-
25 enforcement officer’s vehicle dash camera or body camera shall not be considered a surveillance
26 camera.