

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4668

BY DELEGATES MILEY, LOVEJOY, EVANS, CAPUTO,
WAXMAN, ROHRBACH, WORRELL AND PUSHKIN

[Introduced February 04, 2020; Referred to the
Committee on the Judiciary.]

1 A BILL 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; providing that for a first offense, a municipal judge or magistrate may
5 substitute community correction or pretrial diversion before imposing a penalty.

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 such owner or tenant, and refuses to do so, shall
4 be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$100 or
5 confined in jail not more than six months: *Provided, That for any first offense under this section*
6 (a), the presiding judicial officer may order pretrial diversion to include community service in
7 accordance with §62-11C-1, *et seq.*, in lieu of imposing a fine or term of confinement.

8 (b) If the offender is armed with a firearm or other dangerous weapon while in the structure
9 or conveyance, with the unlawful and felonious intent to do bodily injury to a human being in said
10 structure or conveyance at the time the offender knowingly trespasses, such offender shall,
11 notwithstanding the provisions of §61-7-1 of this code, be guilty of a misdemeanor, and, upon
12 conviction thereof, shall be fined not less than \$100 nor more than \$500, or be confined in ~~the~~
13 ~~county jail for a period not to exceed~~ up to 1 year, or both ~~such-fined~~ and imprisonment confined.

NOTE: The purpose of this bill is to create the crime for trespass of a condemned structure.

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