

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2959

BY DELEGATES HANNA, WILSON AND MAYNARD

[Introduced February 11, 2019; Referred

to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §61-6-26, relating to unlawful panhandling and solicitation; exempting fire
3 departments; and providing misdemeanor penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-26. Unlawful panhandling and solicitation; fraudulent solicitation prohibited.

1 (a) For purposes of this section, "panhandling" means any solicitation made in person
2 requesting an immediate donation of money. The purchase of an item for an amount far exceeding
3 its value, under circumstances where a reasonable person would understand that the purchase
4 is, in substance, considered a donation.

1 (b) No person may panhandle:

2 (1) At a bus stop or train stop;

3 (2) In a public transportation vehicle or facility;

4 (3) In a vehicle on the street;

5 (4) On private property, unless the panhandler has written permission from the owner or
6 occupant of the private property; or

7 (5) On any street, sidewalk, public right-of-way or public property by:

8 (A) Blocking the path of the person being asked for a donation;

9 (B) Following a person who walks away from the panhandler; or

10 (C) Making any statement, gesture or other communication by which the panhandler
11 knowingly causes another to believe that the panhandler will cause physical harm to the person
12 or property of the other person.

13 (c) Upon a first offense, a person violating the provisions of this section is guilty of a
14 misdemeanor and, upon conviction, shall be fined \$100. Upon a second or subsequent violation
15 of the provisions of this section, a person is guilty of a misdemeanor and, upon conviction, shall
16 be fined not less than \$250 nor more than \$1,000.

- 17 (d) A bona fide fire department is exempt from the provisions of §61-6-26(b) of this code
18 when soliciting donations to support its operation.

NOTE: The purpose of this bill is to make certain acts of panhandling and solicitation unlawful. The bill exempts fire departments. The bill provides misdemeanor penalties.

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