

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4090

FISCAL
NOTE

BY DELEGATES KEATON, HOLSTEIN, AND PINSON

[Introduced January 14, 2022; 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 trespassing; increasing the criminal penalty for trespass.

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 ~~\$400~~ \$250 and/or
5 confined in jail not more than two months, or both fined and confined: *Provided, That for any first*
6 *violation of this subsection, a court may substitute community service or pretrial diversion in lieu*
7 *of a fine or confinement for trespassing on condemned property.*

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

16 (c) If the offender is armed with a firearm or other dangerous weapon while in the structure
17 or conveyance, with the intent to do bodily injury to a human being in the structure or conveyance
18 at the time the offender knowingly trespasses, the offender, notwithstanding the provisions of §61-
19 7-1 of this code, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less
20 than \$100 nor more than \$500, or be confined in jail for not more than one year, or both fined and
21 confined.

NOTE: The purpose of this bill is to increase the criminal penalty for trespass.

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