WEST virginia legislature

2023 regular session

Introduced

Senate Bill 299

By Senators Hunt, Azinger, Barrett, Chapman, Deeds, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Takubo, Weld, Woelfel, Woodrum, Swope, Clements, and Plymale

[Introduced January 19, 2023; referred  
to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3B-8, relating to creating a new misdemeanor offense of unlawful entry, occupation, or retention of real property.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3B. TRESPASS.

§61-3B-8. Trespass upon real property.

(a) Any person who knowingly enters upon, occupies, or retains real property without being authorized, licensed, or invited, and who commits waste or causes damage to the real property, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $500, or confined in jail not more than 24 hours, or both.

(b) For a second offense of this section, a person is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $1,500, or confined in jail not more than 6 months, or both.

(c) A court may order restitution to victim for damages, including cleanup expenses, and the court shall have discretion to delay or defer entry of judgment of conviction. The court shall have discretion to dismiss this charge if restitution is made to a victim within 6 months after conviction.

NOTE: The purpose of this bill is to create a new misdemeanor offense of unlawful entry, occupation, or retention of real property.

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