

# **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]

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

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

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

8 (c) A court may order restitution to victim for damages, including cleanup expenses, and  
9 the court shall have discretion to delay or defer entry of judgment of conviction. The court shall  
10 have discretion to dismiss this charge if restitution is made to a victim within 6 months after  
11 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.