

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 540

By Senators Trump, Stover, Deeds, Rucker, Hamilton,
and Smith

[Introduced February 01, 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 §61-8-32, relating to the creation of the misdemeanor offense of willfully
 3 urinating or defecating in public; creating an exception for public restrooms; establishing
 4 penalties; and clarifying that a person may be charged for the offense by citation.

5 *Be it enacted by the Legislature of West Virginia:*

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-32. Public urination and defecation; penalty.

1 (a) Any person who willfully urinates or defecates in a public place, other than a public
 2 restroom, under circumstances where he or she knows or should know will likely cause affront or
 3 alarm to a reasonable person is guilty of a misdemeanor and, upon conviction, shall be confined in
 4 jail for not more than 90 days or fined not more than \$500, or both confined and fined.

5 (b) The provisions of §61-1-5a of this code are applicable to this offense.

NOTE: The purpose of this bill is to clarify the crime of public urination and defecation.

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