

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 540

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

and Smith

[Originating in the Committee on the Judiciary;

reported on February 25, 2023]

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 criminal 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 thereof, shall be
4 confined in 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.