

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2382

By Delegates Chiarelli, Hornby, Willis, McCormick,
Holstein, Heckert, Shamblin, B. Smith, Hillenbrand,
and Rohrbach

[Introduced February 14, 2025; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §61-6-18 of the Code of West Virginia, 1931, as amended, relating to
2 crimes for camping or storing personal property upon governmental or public property;
3 providing definitions; providing criminal penalties; and exceptions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

**§61-6-18. Camping upon governmental or public property, grounds or lawns; definitions;
penalties; public nuisance; exceptions.**

1 (a) It is the purpose of this article to prevent harm to the health and safety of the public and
2 to promote the public health, safety and general welfare by keeping public streets, sidewalks,
3 parks, and other public property within the municipality, county or the state readily accessible to
4 the public, and to prevent use of public property for camping purposes or storage of personal
5 property where those uses interfere with the rights of others to use the areas for the purposes for
6 which they were intended or create health and safety concerns.

7 (b) The following definitions are applicable in this section unless the context otherwise
8 requires:

9 "Camp or camping" means to pitch, erect or occupy camp facilities, or to use camp
10 paraphernalia or both for the purpose of habitation, as evidenced by the use of camp
11 paraphernalia.

12 "Camp facilities" include, but are not limited to, tents, huts, and temporary shelters.

13 "Camp paraphernalia" includes, but is not limited to tarps, cots, beds, sleeping bags,
14 blankets, mattresses, hammocks or portable cooking facilities and similar equipment.

15 "Litter" has the same meaning as used in §22-15A- 2.

16 "Park" means any real property, building, structure, equipment, sign, shelter, swimming
17 pool, vegetation, playground, or other physical property owned or controlled by a municipality,
18 county or the state for park purposes. Park or park facility includes all associated areas, including
19 but not limited to parking lots for parks and pools.

"Personal property" means an item that is: (1) Reasonably recognizable as belonging to a person; (2) In its present condition has apparent utility and/or value; and (3) Not hazardous or unsanitary.

"Public property" means property owned, controlled, or maintained by the government of a municipality, county or the state, including its subordinate agencies, boards, commissions, or other subdivisions.

"Street" means streets, avenues, boulevards, highways, roads, lanes, alleys and all public ways provided that such term also includes unopened or unimproved public rights of way not designated for vehicular travel and all parts of any street, highway, or alley on which vehicular travel is prohibited or restricted.

"Solid waste" has the same meaning as used in §22-15-2.

"Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

"Trail" means a public path constructed for the primary purpose of allowing recreational non-motorized transportation, recreational transportation with electric bicycles as defined by state or federal law, or nonrecreational transportation by foot, bicycle, or similar means.

(c) (1) If any person ~~shall go~~ goes upon the ground or lawn surrounding or adjacent to (1) the state Capitol building or any state office building which is a part of the state Capitol complex, or (2) a county courthouse, or (3) any municipal office building where the principal business of the municipality is conducted, which ground or lawn is owned by or leased to the State of West Virginia, the county, or such municipality, as the case may be, and place, erect or construct or attempt to place, erect or construct for himself or herself or others shelter accommodations thereon or use any such erected shelter accommodations, without the written permission first had and obtained of the Governor, the county court, or the governing body of the municipality, as the case may be, he or she ~~shall be~~ is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$25 nor more than \$100, or by ~~imprisonment~~ confinement in jail

for not more than 30 days, or ~~in the discretion of the court~~ by both such fine and imprisonment confinement, and any such shelter accommodations are hereby constituted a public nuisance which may be abated at the expense of any such person. Each day upon which any violation of the provisions of this section continues shall constitute a separate offense.

(d) In addition to the prohibitions described in subsection (c) of this section, it is unlawful for any person to camp in or to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise specifically authorized pursuant to this code or other applicable law: any street, park or trail; or any public property, improved or unimproved. The following areas, except as otherwise specifically authorized pursuant to this code or other applicable law.

(1) Any person who commits a first violation of any provision of this subsection section shall be given a written warning describing the violation and providing information about resources to obtain assistance in seeking alternate shelter.

(2) Any person who commits a second violation of any provision of this subsection shall be fined not more than \$200.

(3) Any person who commits a third violation of any provision of this subsection within 12 months of the first violation shall be fined not more than \$500 or confined in jail not more than 30 days, or both fined and confined.

(4) Each day that a violation continues shall be considered a separate offense.

(5) No criminal penalty imposed, under this subsection unless a person in violation of this subsection has been offered alternate shelter and refused the offer of the municipality, county or the state. For purposes of this subsection, an offer of shelter means identification by or on behalf of the municipality, county or the state of an alternate location where the person may shelter overnight, including, but not limited to, a place in an emergency shelter or any alternate indoor or outdoor location where the person may sleep overnight.

(e) The following areas or circumstances are exempt from the prohibitions in this

72 subsection:

73 (1) Persons lawfully camping within campgrounds or trailer parks specifically designated
74 and approved for such use pursuant to applicable laws; (2) persons camping with a valid permit
75 authorized by Chapter 20 of this code; or (3) persons lodging or residing overnight in a motor
76 vehicle that is registered, insured, and located in a place where it may lawfully be.

NOTE: The purpose of this bill is to establish misdemeanor crimes for camping in or storing personal property, including camp facilities and camp paraphernalia upon governmental or public property. It also provides definitions and criminal penalties, with exceptions.

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