

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2958

By Delegates Chiarelli, McCormick, Statler, Rohrbach,

Browning, Lucas, and Amos

[Originating in the Committee on the Judiciary;

Reported March 26, 2025]

1 A BILL to amend and reenact §61-3B-4 of the Code of West Virginia, 1931, as amended, relating
2 to trespassing on premises of an institution of higher education generally; relating to
3 trespassing on a student residence hall or student facility of a state institution of higher
4 education.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3B. TRESPASS.

§61-3B-4. Trespass on the premises of a state institution of higher education generally;

**Trespass on a student residence hall premises or student facility premises of an a
state institution of higher education.**

1 (a) For the purposes of this section:

2 (1) "Residence hall" means housing or a unit of housing provided primarily for students as
3 a temporary or permanent dwelling place or abode and owned, operated or controlled by an a
4 state institution of higher education.

5 (2) "Student facility" means a facility owned, operated or controlled by an a state institution
6 of higher education at which alcoholic liquor or nonintoxicating beer is purchased, sold or served to
7 students enrolled at such institution, but does not include facilities at which athletic events are
8 regularly scheduled and an admission fee is generally charged.

9 (3) "Premises" means any property owned, operated, leased, or controlled by a state
10 institution of higher education. "~~Institution of higher education~~" means ~~any state university, state~~
11 ~~college or state community college under the control, supervision and management of the West~~
12 ~~Virginia board of trustees or West Virginia board of directors, or any other university, college or~~
13 ~~institution of higher education in the state subject to rules for accreditation under the provisions of~~
14 ~~section seven, article four, chapter eighteen b of this code.~~

15 (4) "State Institution of higher education" has the same meaning as ascribed in §18B-1-2 of
16 this code.

17 (5) "Person authorized to have access to a residence hall or student facility" means:

18 (A) A student who resides or dwells in the residence hall; or

19 (B) An invited guest of a student who resides or dwells in the residence hall; or

20 (C) A parent, guardian or person who has legal custody of a student who resides or dwells
21 in the residence hall; or

22 (D) An employee of the institution of higher education who is required by such employment
23 by such institution to be in the residence hall or student facility and who is acting within the scope
24 of his or her employment; or

25 (E) A delivery person, repair person or other such person who is not an employee of the
26 institution of higher education but who nonetheless has a legitimate commercial reason to be in
27 the residence hall or student facility and who is acting pursuant to such legitimate commercial
28 reason.

29 (b) If a person authorized to have access to a residence hall or a student facility enters
30 such residence hall or student facility and by such presence or acts interferes with the peaceful or
31 orderly operation of such residence hall or student facility, such person may be asked to leave
32 such residence hall or student facility. ~~If a person not authorized to have access to a residence hall
33 or student facility enters such a residence hall or student facility, that person may be asked to leave
34 such residence hall or student facility notwithstanding the fact that he or she has not interfered with
35 the peaceful or orderly operation of such residence hall or student facility or otherwise committed a
36 breach of the peace or violated any statute or ordinance.~~ Such request to leave may be made by
37 the president or other administrative head of the state institution of higher education, an employee
38 designated by the president to maintain order in the residence hall or student facility, a campus
39 police officer appointed pursuant to the provisions of §18B-4-5 ~~section five, article four, chapter
40 eighteen-b~~ of this code, or a municipal police officer, a sheriff or deputy sheriff, or a member of the
41 West Virginia state police.

42 (c) Any person unauthorized to enter or be present on the Premises shall be guilty of the
43 misdemeanor offense of trespassing. ~~It shall be unlawful for a person to remain in a residence hall~~

44 ~~or student facility after being asked to leave as provided for in subsection (b) of this section.~~

45 (d) Penalties for trespassing to the Premises of a state institution of higher education.

46 (1) Any person who violates subsection (c) of this section shall be guilty of a misdemeanor
47 and, upon conviction thereof, shall be fined not more than \$100.

48 (2) Upon second conviction for a violation of subsection (c) of this section, the person is
49 guilty of a misdemeanor and, shall be fined not less than \$250 nor more than \$500.

50 (3) Upon third conviction for a violation of subsection (c) of this section, the person is guilty
51 of a misdemeanor and, shall be fined not less than \$500 nor more than \$1000, or confined in jail for
52 30 days, or both.

53 ~~Any person who violates the provisions of subsection (c) of this section shall be guilty of a~~
54 ~~misdemeanor and, upon conviction thereof, shall be fined \$15. For any second or subsequent~~
55 ~~conviction for a violation occurring within one year after a previous violation for similar conduct,~~
56 ~~such person shall be fined an amount not to exceed \$100.~~

57 (e) Notwithstanding the provisions of subsection (c) and (d) of this section, any person
58 authorized to have access to a residence hall or a student facility shall be guilty of the
59 misdemeanor offense of trespassing if they remain in or return to a residence hall or a student
60 facility after being asked to leave, *Provided*, that such person has not subsequently received
61 permission from the state institution of higher education to return. Any person not authorized to
62 have access to a residence hall or student facility to enter a residence hall or student facility shall
63 be guilty of the misdemeanor offense of trespassing.

64 ~~This section shall not be construed to be in derogation of the common law, nor shall the~~
65 ~~provisions of this section contravene or infringe upon existing statutes related to the same subject.~~

66 (f) Penalties for trespassing to a residence hall or a student facility.

67 (1) Any person who violates subsection (e) of this section shall be guilty of a misdemeanor
68 and, upon conviction thereof, shall be fined not less than \$250 nor more than \$500.

69 (2) Upon second conviction for a violation of subsection (e) of this section, the person is

70 guilty of a misdemeanor and, shall be fined not less than \$500 nor more than \$1000.

71 (3) Upon third conviction for a violation of subsection (e) of this section, the person is guilty

72 of a misdemeanor and, shall be fined \$1000, or confined in jail for 30 days, or both.