

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 519

By Senator Taylor

[Introduced February 18, 2025; referred

to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section, designed
2 §61-6-18a, relating to the prohibition against camping in public areas without consent;
3 defining terms; providing that camping in public places without the effective consent of the
4 officer or agency having the legal duty or authority to manage the public place is a
5 misdemeanor; providing for criminal penalties upon conviction thereof; providing for the
6 issuance of a warning citation for a first offense; providing that person's intent may be
7 established through specified actions; providing for community service; providing that state
8 or local law, rules, or ordinances prohibiting camping in public areas meeting certain
9 requirements are not preempted by this section; and requiring officer to provide information
10 prior to issuance of citation unless there is an imminent threat to public health or safety.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-18a. Prohibited camping.

1 (a) As used in this section:
2 "Camp" means to reside temporarily in a place, with shelter.
3 "Shelter" means any place maintained for the purpose of a temporary, semipermanent, or
4 permanent place to live, designed to protect a person from weather conditions, whether or not
5 such place incorporates the use of any tent, lean-to, shack, or any other structure.
6 (b) Any person who intentionally camps in a public place, including but not limited to a
7 sidewalk, street, alley, lane, public right-of-way, park, bench, or any other publicly owned property,
8 or under any bridge or viaduct, all without the effective consent of the officer or agency having the
9 legal duty or authority to manage the public place, is guilty of a misdemeanor and, upon conviction
10 thereof, shall be fined not less than \$100 nor more than \$1000, or confined in jail not more than 30
11 days, or both fined and confined, and required to perform community service work of not more
12 than 40 hours in any two-week period: *Provided*, That a person who violates this section shall:
13 (1) Receive a warning citation for a first offense, or

14 (2) In lieu of a fine and community service, the court may require a person convicted under
15 this section to remove litter from the state or local highway system, public park, or other
16 appropriate public location for not more than 40 hours in any two-week period.

17 (c) The person's intent or knowledge may be established through evidence of activities
18 associated with sustaining a shelter that are conducted in a public place, including but not limited
19 to:

20 (1) Cooking;

21 (2) Making a fire;

22 (3) Storing person belongings for an extended period;

23 (4) Digging; or

24 (5) Sleeping.

25 (d) Consent by an officer or agency of a political subdivision is not effective for purposes of
26 subsection (b) of this section, unless given to authorize the person to camp for:

27 (1) Recreational purposes; or

28 (2) Purposes related to providing emergency shelter during a disaster.

29 (e) This section does not preempt an ordinance, order, rule or other regulation adopted by
30 a state agency or political subdivision relating to prohibiting camping in a public place or affect the
31 authority of a state agency or political subdivision to adopt or enforce an ordinance, order, rule, or
32 other law relating to prohibiting camping in a public place if the ordinance, order, rule, or other law:

33 (1) Is compatible with and equal to or more stringent than the offense prescribed by this
34 section, or

35 (2) Relates to an issue not specifically addressed by this section.

36 (f) Except as provided by subsection (g) of this section, before or at the time an officer
37 issues a citation to a person for an offense under this section, the officer shall make a reasonable
38 effort to:

39 (1) Advise the person of an alternative place at which the person may lawfully camp;

40 (2) Contact, if reasonable and appropriate, an appropriate official of the political
41 subdivision in which the public place is located, or an appropriate non-profit organization operating
42 within the political subdivision, and request the official or organization to provide the person with:
43 (A) Information regarding the prevention of human trafficking; or
44 (B) Any other services that would reduce the likelihood of the person suspected of
45 committing the offense continuing to camp in the public place.
46 (f) Subsection (e) of this section does not apply if the officer determines there is an
47 imminent threat to the health or safety of any person to the extent that compliance with that
48 subsection is impracticable.

NOTE: The purpose of this bill is to create the misdemeanor offense of camping in public spaces without consent, establishes penalties upon conviction thereof, provides for warning citation for first offense; provides exceptions and address existing state or local ordinances, or rules.

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