

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Introduced**

## **House Bill 5025**

By Delegates Hillenbrand, Butler, G. Howell, Hott,

Phillips, Jennings, B. Ward, and Mallow

[Introduced February 02, 2026; referred to the

Committee on the Judiciary]

- 1 A BILL to amend and reenact §61-3-2 of the Code of West Virginia, 1931, as amended, relating to  
2 allowing the burning of obsolete farm structures and setting forth conditions.

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

### **ARTICLE 3. CRIMES AGAINST PROPERTY.**

#### **§61-3-2. Burning, etc., of other buildings or structures; second degree arson; penalty; obsolete farm structure burning permitted; conditions.**

- 1 (a) Any person who willfully and maliciously sets fire to or burns, or who causes to be  
2 burned, or who aids, counsels, procures, persuades, incites, entices or solicits any person to burn,  
3 any building or structure of any class or character, whether the property of himself or herself or of  
4 another, not included or prescribed in the preceding section, shall be guilty of arson in the second  
5 degree and, upon conviction thereof, be sentenced to the penitentiary for a definite term of  
6 imprisonment which is not less than one nor more than ten years. A person imprisoned pursuant to  
7 this section is not eligible for parole prior to having served a minimum of one year of his or her  
8 sentence or the minimum period required by the provisions of §62-12-13 of this code, whichever is  
9 greater.
- 10 (b) All owners of farm structures located on agricultural land as defined in §19-19-2b shall  
11 be exempt from penalty of arson for burning of obsolete uninsured facilities. Owners shall submit a  
12 notarized letter of intent to burn said structure identified by tax map parcel number seven days  
13 prior to anticipated burn date to the county assessor and local fire department. The letter of intent  
14 shall clearly declare that the structure is uninsured. All permitting requirements of the Department  
15 of Environmental Protection ("DEP") as otherwise provided shall be followed.

NOTE: The purpose of this bill is to allow the burning of obsolete farm structures under certain conditions.

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