

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5206

By Delegates Ferrell, Phillips, T. Howell, Brooks, Hall,
and Shamblin

[Introduced February 05, 2026; 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,
2 designated §61-6-26, relating to unlawful panhandling and solicitation; exempting fire
3 departments; and providing misdemeanor penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-26. Unlawful panhandling and solicitation; fraudulent solicitation prohibited.

1 (a) For purposes of this section, "panhandling" means any solicitation made in person
2 whether by sign, gesture, or verbally requesting:

3 (1) An immediate donation of money, funds, goods, or food;

4 (2) Personal favors, including but not limited to, trips, transportation, clothing, gasoline,
5 lodging, vehicle fare, drugs, or alcoholic beverages; or

6 (3) Any other purpose to directly benefit an individual panhandling or his family or
7 associates;

8 (4) The purchase of an item for an amount far exceeding its value, under circumstances
9 where a reasonable person would understand that the purchase is, in substance, considered a
10 donation.

11 (b) Legal panhandling is permitted:

12 (1) Any individual person participating in the act of legal panhandling or solicitation shall
13 obtain a state license or county permit from the county sheriff.

14 (2) Any individual panhandling shall:

15 (i) Present a copy of a valid I.D. to obtain permit; and

16 (ii) Keep both I.D. and permit at site of solicitation.

17 (c) No person may panhandle in the following locations:

18 (1) At a bus stop or train stop;

19 (2) In a public transportation vehicle or facility;

20 (3) In a vehicle on the street;

21 (4) On private property, unless the panhandler has written permission from the owner or
22 occupant of the private property; or

23 (5) On any street, sidewalk, public right-of-way, or public property by:

24 (A) Blocking the path of the person being asked for a donation;

25 (B) Following a person who walks away from the panhandler;

26 (C) Block a passage of sidewalk with a cart or buggy;

27 (D) Touching a person; or

28 (E) Making any statement, gesture, or other communication by which the panhandler
29 knowingly causes another to believe that the panhandler will cause physical harm to the person or
30 property of another person.

31 (6) At any location within 200 feet of the lateral curb of a Federal/US Route or an Interstate
32 Highway or an intersection with such route or highway;

33 (7) Within 150 feet of an ATM or bank entrance;

34 (8) Within 100 feet of the entrance and exit of any commercial establishment or at any
35 sidewalk café;

36 (9) Within 150 feet of any school, bus, train, or cab stops;

37 (10) Within 50 feet of a crosswalk; and

38 (11) Within any municipal-owned parking building, park, golf course, or playground.

39 (d) Panhandling or solicitation is also prohibited before 9am and after 6pm.

40 (e) No person panhandling may render any service to a vehicle without the consent from
41 the owner-operator.

42 (f) Upon first offense, a person violating any of the provisions of this section is guilty of a
43 misdemeanor and, upon conviction, shall be fined \$100. Upon a second or subsequent violation of
44 the provisions of this section, a person is guilty of a misdemeanor and, upon conviction, shall be
45 fined not less than \$250 nor more than \$1000. Upon a third offense, the individual shall have their
46 permit revoked and is subsequently subject to public harassment laws of the state, county, and

- 47 municipality.
- 48 (g) A bona fide fire department, any school extracurricular organization, or a registered
- 49 501(c)(3) organization is exempt from the provisions of §61-6-26(b) of this code when soliciting
- 50 donations to support its operation.

NOTE: The purpose of this bill is to make certain acts of panhandling and solicitation unlawful. The bill exempts fire departments, school organizations, and 501(c)(3) organizations. The bill provides misdemeanor penalties.

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