

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5319

By Delegates Chiarelli and Browning

[Introduced February 09, 2026; 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, backpacks, bags, rucksacks, tarps,
 14 cots, beds, sleeping bags, blankets, mattresses, hammocks, or portable cooking facilities and
 15 similar equipment.

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.

20 "Personal property" means an item that is: (1) reasonably recognizable as belonging to a
21 person; (2) in its present condition has apparent utility and/or value; and (3) not hazardous or
22 unsanitary.

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

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

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

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

35 (c) If any person ~~shall go~~ goes upon the ground or lawn surrounding or adjacent to (1) the
36 State Capitol building or any state office building which is a part of the State Capitol complex, or (2)
37 a county courthouse, or (3) any municipal office building where the principal business of the
38 municipality is conducted, which ground or lawn is owned by or leased to the State of West
39 Virginia, the county, or such municipality, as the case may be, and place, erect or construct or
40 attempt to place, erect or construct for himself or herself or others shelter accommodations
41 thereon or use any such erected shelter accommodations, without the written permission first had
42 and obtained of the Governor, the county court, or the governing body of the municipality, as the
43 case may be, he or she ~~shall be~~ is guilty of a misdemeanor, and, upon conviction thereof, shall be
44 punished by a fine of not less than \$25 nor more than \$100, or by ~~imprisonment~~ confinement in jail
45 for not more than 30 days, or ~~in the discretion of the court~~ by both such fine and ~~imprisonment~~

46 confinement, and any such shelter accommodations are hereby constituted a public nuisance
47 which may be abated at the expense of any such person. Each day upon which any violation of the
48 provisions of this section continues shall constitute a separate offense.

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

54 (1) Any person who commits a first violation of any provision of this subsection is guilty of a
55 misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than \$250.

56 (2) Any person who commits a second violation of any provision of this subsection within
57 12 months of the first violation is guilty of a misdemeanor, and, upon conviction thereof, shall be
58 confined in jail not more than 30 days.

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

60 (4) A person illegally camping in violation of the provisions of this subsection may be given
61 known alternative locations, should the same exist, where the person may shelter overnight,
62 including, but not limited to, a place in an emergency shelter or any alternate indoor or outdoor
63 locations where the person may sleep overnight: *Provided*, That the availability of or transportation
64 to such locations shall not negate the provisions of this subsection.

65 (e) The following areas or circumstances are exempt from the prohibitions in subsection (d)
66 of this section:

67 (1) Persons camping in a lawful manner in areas specifically authorized for camping
68 pursuant to this code or other applicable laws;

69 (2) Persons camping in a lawful manner as permitted by the Division of Natural Resources;
70 and

71 (3) Persons lodging or residing overnight in a motor vehicle that is registered, insured, and
72 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.