

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 5319

By Delegates Chiarelli and Browning

[Originating in the Committee on the Judiciary;

Reported on February 25, 2026]

1 A BILL to amend and reenact §61-6-18 of the Code of West Virginia, 1931, as amended, relating to
2 public camping on certain public property; creating findings; creating definitions; creating
3 warnings and misdemeanor offenses for camping or storing property on certain public
4 property; clarifying that each day constitutes a new violation; requiring certain notifications
5 to a person unlawfully camping; providing certain exceptions for violations; and creating
6 criminal penalties.

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.

"Park" means any real property, building, structure, equipment, sign, shelter, swimming pool, vegetation, playground, or other physical property owned or controlled by a municipality, county, or the state for park purposes. Park or park facility includes all associated areas including, but not limited to, parking lots for parks and pools.

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

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

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

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

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

(c) If any person ~~shall go~~ goes upon the ground or lawn surrounding or adjacent to: (1) The State Capitol building or any state office building which is a part of the State Capitol complex; or (2) a county courthouse; or (3) any municipal office building where the principal business of the municipality is conducted, which ground or lawn is owned by or leased to the State of West Virginia, the county, or such municipality, as the case may be, and place, erect or construct or attempt to place, erect or construct for himself or herself or others shelter accommodations thereon or use any such erected shelter accommodations, without the written permission first had

and obtained of the Governor, the county court, or the governing body of the municipality, as the case may be, he ~~or she shall be~~ is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$25 nor more than \$100, or by ~~imprisonment~~ confinement in jail for not more than 30 days, or ~~in the discretion of the court~~ by both such fine and ~~imprisonment~~ confinement, and any such shelter accommodations are hereby constituted a public nuisance which may be abated at the expense of any such person. Each day upon which any violation of the provisions of this section continues shall constitute a separate offense.

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

(1) Any person who commits a first violation of any provision of this subsection shall be given a written warning describing the violation and providing information about resources to obtain assistance in seeking alternate shelter;

(2) Any person who commits a second violation of any provision of this subsection is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than \$200;

(3) Any person who commits a third violation of any provision of this subsection within 12 months of the first violation is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than \$500, confined in jail not more than 30 days, or both fined and confined;

(4) Each day that a violation continues shall be considered a separate offense;

(5) A person illegally camping in violation of the provisions of this subsection will be given known alternative locations, should the same exist, where the person may shelter overnight, including, but not limited to, a place in an emergency shelter or any alternate indoor or outdoor

68 locations where the person may sleep overnight: *Provided*, That the availability of or transportation
69 to such locations shall not negate the provisions of this subsection.

70 (e) The following areas or circumstances are exempt from the prohibitions in subsection (d)
71 of this subsection:

72 (1) Persons lawfully camping within campgrounds or trailer parks specifically designated
73 and approved for such use pursuant to applicable laws;

74 (2) Persons camping in a lawful manner prescribed by §20-1-1 *et seq.* of this code or any
75 rules promulgated thereunder; or

76 (3) Persons lodging or residing overnight in a motor vehicle that is registered, insured, and
77 located in a place where it may lawfully be.