

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2382

FISCAL
NOTE

BY DELEGATES HORNBUCKLE, MILLER, CANESTRARO AND

LOVEJOY

[Introduced January 14, 2019; Referred
to the Committee on Prevention and Treatment of
Substance Abuse then then Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §61-8-32, relating to making it a misdemeanor for a person to knowingly allow
 3 a felony drug offense to be committed on his or her property; creating a duty to report;
 4 creating criminal penalties; and allowing a private cause of action.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY, AND DECENCY.

§61-8-32. Property owners allowing felony drug activities by tenants; penalty.

1 It is unlawful for any person who owns real property to rent to or otherwise allow a person
 2 that has exclusive possession of his or her real property to knowingly allow that person or another
 3 invitee to the real property to commit a felony drug crime in violation of this code without reporting
 4 the crime to a law-enforcement agency. Upon discovery of a felony being committed the property
 5 owner shall, within 48 hours, report the activity to a state or local law-enforcement agency. Any
 6 person convicted of a violation of this section is guilty of a misdemeanor and, upon conviction,
 7 shall be fined not more than \$500. Upon a second or subsequent conviction he or she shall be
 8 confined up to 10 days in jail, or fined not more than \$500, or both fined and confined. Any person
 9 owning adjoining real property has standing to sue the owner for creating a public nuisance and
 10 may file a civil action for damages for the landowner’s criminal and negligent act.

NOTE: The purpose of this bill is to make it a misdemeanor for a person to knowingly allow a felony drug offense to be committed on his or her property. The bill creates a duty to report. The bill creates criminal penalties. The bill allows a private cause of action.

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