

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5130

By Delegate Foster

[Introduced January 25, 2024; Referred to the
Committee on the Judiciary]

3 which notice against entering or remaining is either given by actual communication to such person
4 or by posting, fencing or cultivation.

5 (b) First offense conviction. — Upon a first trespassing conviction pursuant to subsection
6 (a) of this section, the person is guilty of a misdemeanor and shall be fined not less than \$100 nor
7 more than \$500.

8 (c) Second offense conviction. — Upon a second trespassing conviction pursuant to
9 subsection (a) of this section, the person is guilty of a misdemeanor and shall be fined not less
10 than \$500 nor more than \$1,000.

11 (d) Third offense conviction. — Upon a third and subsequent trespassing conviction
12 pursuant to subsection (a) of this section, the person is guilty of a misdemeanor and shall be fined
13 not less than \$1,000 nor more than \$1,500.

14 (e) If the offender defies an order to leave, personally communicated to him or her by the
15 owner, tenant or agent of such owner or tenant, or if the offender opens any door, fence or gate,
16 and thereby exposes animals, crops or other property to waste, destruction or freedom, or causes
17 any damage to property by such trespassing on property other than a structure or conveyance, he
18 or she is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$100 nor more
19 than \$500, confined in jail for not more than six months, or both fined and confined.

20 (f) If the offender is armed with a firearm or other dangerous weapon with the unlawful and
21 felonious intent to do bodily injury to a human being during his or her commission of the offense of
22 trespass on property other than a structure or conveyance, such offender, notwithstanding §61-7-1
23 of this code, is guilty of a misdemeanor and, upon conviction, shall be confined in jail for not more
24 than six months, fined not ~~more~~ less than \$100, or both confined and fined.

25 (g) Notwithstanding and in addition to any other penalties provided by law, any person who
26 performs or causes damage to property in the course of a willful trespass shall be liable to the
27 property owner in the amount of twice the amount of such damage. ~~However, this article shall not~~
28 ~~apply in a labor dispute.~~

29 (h) Nothing in this section may be construed to prevent lawful assembly and petition for the
30 redress of grievances, during any dispute, including, but not limited to, activities protected by the
31 West Virginia Constitution or the United States Constitution or any statute of this state or the
32 United States.

NOTE: The purpose of this bill is to provide for increased fines for criminal trespass.

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