

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2449

By Delegates Anders, White, Ridenour, Kump,

Kimble, Dean, and Bridges

[Introduced February 17, 2025; 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 §62-1A-12, relating to eliminating the open fields doctrine in this state.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1A. SEARCH AND SEIZURE.

§62-1A-12. Open fields.

- 1 (a) Notwithstanding any provision of this code to the contrary, the open fields of any person
2 in this state, where indicia would lead a reasonable person to conclude that the area is private or
3 not generally open to the public are protected by the Fourth Amendment to the Constitution of the
4 United States or Article III, Section 6 of the West Virginia Constitution and may not be searched
5 without a valid search warrant or outside the judicial process, subject only to constitutionally
6 established exceptions permitting warrantless searches of private property.
- 7 (b) For purposes of this section, "open fields" means the private property of a person
8 beyond the land immediately surrounding and associated with a private dwelling and includes
9 fenced land and wooded areas.
- 10 (c) The open fields doctrine, as it is known in the common law, is hereby abolished.

NOTE: The purpose of this bill is to eliminate the open fields doctrine in this state.

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