WEST VIRGINIA CODE: §55-3C-4

§55-3C-4. Criminal mischief; penalties.

(a) A person who unlawfully occupies a residential dwelling or commercial building consistent with this article and as a result of the unlawful occupation causes damage to the real property, its fixtures, or personal property of the owner in an amount less than $1,000 is guilty of a misdemeanor, and, upon conviction thereof, shall be confined in jail for a term not to exceed one year or fined not to exceed $2,500, or both fined and confined.

(b) A person who unlawfully occupies a residential dwelling or commercial building consistent with this article and as a result of the unlawful occupation causes damage to the real property, its fixtures, or personal property of the owner in an amount more than $1,000 in damages commits a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than 10 years, or in the discretion of the court be confined in jail not more than one year and fined not more than $2,500.

WV Legislature