WEST VIRGINIA CODE: §62-1A-12

§62-1A-12. Prohibitions on surveillance cameras on private property.

(a) Notwithstanding any provision of this code to the contrary, a law-enforcement officer may not install any surveillance camera on private land for purposes of gathering information or evidence of criminal activity of the owner or occupant of the private land without first obtaining either consent of an owner of the private land or a valid search warrant.

(b) The provisions of subsection (a) of this section do not prohibit a law-enforcement officer from:

(1) Installing a surveillance camera in any area not specified in subsection (a) of this section where the law-enforcement officer has a lawful right to be and facing a location on any private land that is open to public view; or

(2) Installing a surveillance camera on private property where exigent circumstances exist and there is insufficient time to obtain a valid search warrant.

(c) For purposes of this section:

“Law-enforcement officer” has the same meaning as that term is defined in §30-29-1 of this code.

"Private land" means posted land, cultivated land, or fenced land, as those terms are defined in §61-3B-1 of this code, that is owned by an individual or entity other than a federal, state, or local government or a political subdivision thereof.

“Property owner” means an individual or entity, other than a governmental entity, who owns, leases, licenses, or possesses real property or an employee or agent of that individual or entity.

“Surveillance camera” means a device installed on private land that permits observing, photographing, videotaping, recording, or transmitting visual images of private land or a person’s activities on private land and includes, but is not limited to, a game camera: *Provided*, That a law-enforcement officer’s vehicle dash camera or body camera shall not be considered a surveillance camera.

WV Legislature