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APPROVED AND SIGNED BY THE GOVERNOR

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Date 3-29-83

OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1034

(By Mr. Hartman & Mr. Satter)

— ● —

Passed March 12, 1983

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1034

(By MRS. HARTMAN and MR. SATTES)

[Passed March 12, 1983; in effect ninety days from passage.]

AN ACT to amend article three-b, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section four, relating to the offense of trespass on student residence premises or student facility premises of an institution of higher education; defining certain terms; describing circumstances under which a person may be asked to leave a residence hall or student facility; describing the misdemeanor offense of remaining in a residence hall or student facility and establishing a penalty therefor; and prescribing a rule of construction.

Be it enacted by the Legislature of West Virginia:

That article three-b, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section four, to read as follows:

ARTICLE 3B. TRESPASS.

§61-3B-4. Trespass on student residence premises or student facility premises of an institution of higher education.

1 (a) For the purposes of this section:

2 (1) "Residence hall" means housing or a unit of housing
3 provided primarily for students as a temporary or permanent
4 dwelling place or abode and owned, operated, or controlled
5 by an institution of higher education.

6 (2) "Student facility" means a facility owned, operated or
7 controlled by an institution of higher education at which
8 alcoholic liquor or nonintoxicating beer is purchased, sold or
9 served to students enrolled at such institution, but shall not
10 include facilities at which athletic events are regularly schedul-
11 ed and an admission fee is generally charged.

12 (3) "Institution of higher education" means any state uni-
13 versity, state college or state community college under the
14 control, supervision and management of the West Virginia
15 board of regents, or any other university, college, or any other
16 institution of higher education in the state subject to rules and
17 regulations for accreditation under the provisions of section
18 thirteen-a, article twenty-six, chapter eighteen of this code.

19 (4) "Person authorized to have access to a residence hall
20 or student facility, means:

21 (A) A student who resides or dwells in the residence hall;
22 or

23 (B) An invited guest of a student who resides or dwells in
24 the residence hall; or

25 (C) A parent, guardian or person who has legal custody of
26 a student who resides or dwells in the residence hall; or

27 (D) An employee of the institution of higher education
28 who is required by his employment by such institution to be
29 in the residence hall or student facility and who is acting with-
30 in the scope of his employment; or

31 (E) A delivery man, repairman or other such person who
32 is not an employee of the institution of higher education but
33 who nonetheless has a legitimate commercial reason to be in
34 the residence hall or student facility and who is acting pur-
35 suant to such legitimate commercial reason.

36 (b) If a person authorized to have access to a residence hall
37 or a student facility enters such residence hall or student fa-

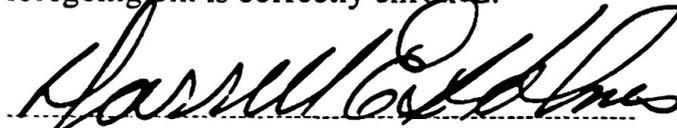
38 cility and by his presence or acts interferes with the peaceful
39 or orderly operation of such residence hall or student facility
40 he may be asked to leave such residence hall or student facil-
41 ity. If a person other than a person authorized to have access
42 to a residence hall or student facility enters such a residence
43 hall or student facility, he may be asked to leave such resi-
44 dence hall or student facility notwithstanding the fact that he
45 has not interfered with the peaceful or orderly operation of
46 such residence hall or student facility or otherwise committed
47 a breach of the peace or violated any statute or ordinance.
48 Such request to leave may be made by the president of the
49 institution of higher education, an employee designated by the
50 president to maintain order in the residence hall or student
51 facility, a security officer appointed pursuant to the provisions
52 of section eight-a, article twenty-six, chapter eighteen of this
53 code, or a municipal police officer, a sheriff or deputy sheriff,
54 or a member of the department of public safety.

55 (c) It shall be unlawful for a person to remain in a residence
56 hall or student facility after being asked to leave as provided
57 for in subsection (b) of this section.

58 (d) Any person who violates the provisions of subsection
59 (c) of this section shall be guilty of a misdemeanor, and, upon
60 conviction thereof, shall be fined fifteen dollars. For any sec-
61 ond or subsequent conviction for a violation occurring within
62 one year after a previous violation for similar conduct, such
63 person shall be fined an amount not to exceed one hundred
64 dollars.

65 (e) This section shall not be construed to be in derogation
66 of the common law, nor shall the provisions of this section
67 contravene or infringe upon existing statutes related to the
68 same subject.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



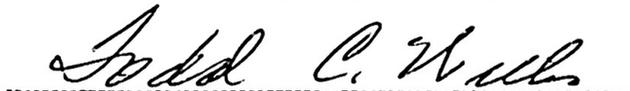
Chairman Senate Committee



Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

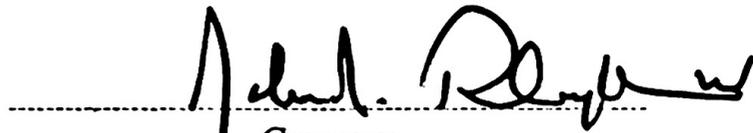


President of the Senate



Speaker House of Delegates

The within is approved this the 29
day of March, 1983.



Governor

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83 MAR 31 P12: 37

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SECY. OF STATE