

HB 2958

FILED

2009 MAY -7 PM 3: 31

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2009



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2958**

(By Delegate Hamilton)



Passed April 11, 2009

In Effect Ninety Days from Passage

ENROLLED

FILED

COMMITTEE SUBSTITUTE

2009 MAY -7 PM 3:31

FOR

OFFICE WEST VIRGINIA
SECRETARY OF STATE

H. B. 2958

(BY DELEGATE HAMILTON)

[Passed April 11, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §61-3B-3 of the Code of West Virginia, 1931, as amended, relating to increasing the fines for a trespassing conviction pursuant to certain circumstances.

Be it enacted by the Legislature of West Virginia:

That §61-3B-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3B. TRESPASS.

§61-3B-3. Trespass on property other than structure or conveyance.

- 1 (a) It is an unlawful trespass for any person to knowingly,
2 and without being authorized, licensed or invited, to enter or
3 remain on any property, other than a structure or conveyance,
4 as to which notice against entering or remaining is either

18 :E M9 T-5 5 given by actual communication to such person or by posting,
6 fencing or cultivation.

7 (b) First offense conviction. -- Upon a first trespassing
8 conviction pursuant to subsection (a):

9 The person is guilty of a misdemeanor and shall be fined
10 not less than \$100 nor more than \$500.

11 (c) Second offense conviction. -- Upon a second
12 trespassing conviction pursuant to subsection (a):

13 The person is guilty of a misdemeanor and shall be fined
14 not less than \$500 nor more than \$1,000.

15 (d) Third offense conviction. — Upon a third and
16 subsequent trespassing conviction pursuant to subsection (a):

17 The person is guilty of a misdemeanor and shall be fined
18 not less than \$1,000 nor more than \$1,500.

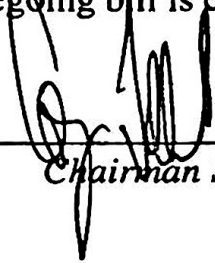
19 (e) If the offender defies an order to leave, personally
20 communicated to him by the owner, tenant or agent of such
21 owner or tenant, or if the offender opens any door, fence or
22 gate, and thereby exposes animals, crops or other property to
23 waste, destruction or freedom, or causes any damage to
24 property by such trespassing on property other than a
25 structure or conveyance, he shall be guilty of a misdemeanor
26 and, upon conviction thereof, shall be fined not less than
27 \$100 nor more than \$500 or imprisoned in the county jail for
28 a period not to exceed six months, or both such fine and
29 imprisonment.

30 (c) If the offender is armed with a firearm or other
31 dangerous weapon with the unlawful and felonious intent to
32 do bodily injury to a human being during his commission of
33 the offense of trespass on property other than a structure or

34 conveyance, such offender shall, notwithstanding section
35 one, article seven, chapter sixty-one of this code, be guilty of
36 a misdemeanor and, upon conviction thereof, shall be
37 confined in the county jail for a term not to exceed six
38 months, or fined not more than \$100, or both such fine and
39 imprisonment.

40 (d) Notwithstanding and in addition to any other penalties
41 provided by law, any person who performs or causes damage
42 to property in the course of a willful trespass shall be liable
43 to the property owner in the amount of twice the amount of
44 such damage. However, this article shall not apply in a labor
45 dispute.

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



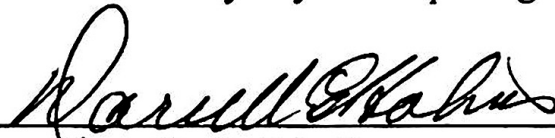
Chairman Senate Committee



Chairman House Committee

Originating in the House.

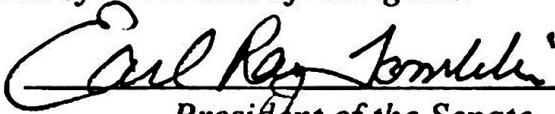
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Clerk of the Senate



Clerk of the House of Delegates

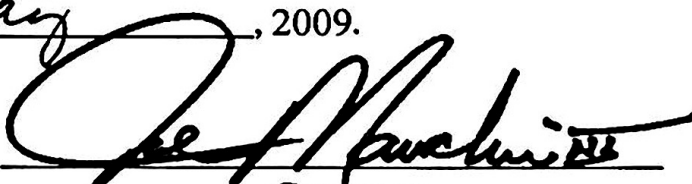


President of the Senate



Speaker of the House of Delegates

The within is approved this the 7th
day of May, 2009.



Governor

PRESENTED TO THE
GOVERNOR

MAY · 6 2009

Time 3:45p