

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1943



# ENROLLED

HOUSE BILL No. 89

(By Mr. Evans)



PASSED March 1, 1943

In Effect from Passage

58

**ENROLLED**  
**House Bill No. 89**

(BY MR. EVANS)

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[Passed March 1, 1943; in effect from passage.]

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AN ACT to repeal section nine and to amend and reenact section five, article eight, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, relating to the use of vehicles in aid of prostitution, to houses of prostitution and assignation, prohibiting prostitution, lewdness, and assignation, prohibiting the letting or renting of any house, place, hotel, or other structure for the purpose of prostitution, lewdness or assignation, making such leases void and defining the term "tourist camp."

*Be it enacted by the Legislature of West Virginia:*

That section nine, article eight, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, be repealed and that section five, article eight, chapter sixty-

one of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 5. *Houses of Ill Fame and Assignment; Penal-*

ties; *Jurisdiction of Courts.*—(a) Any person who shall keep, set up, maintain, or operate any house, place, building, hotel, tourist camp, other structure, or part thereof, or vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation; or who shall own any place, house, hotel, tourist camp, other structure, or part thereof, or trailer or other conveyance knowing the same to be used for the purpose of prostitution, lewdness, or assignation, or who shall let, sublet, or rent any such place, premises, or conveyance to another with knowledge or good reason to know of the intention of the lessee or rentee to use such place, premises, or conveyance for prostitution, lewdness, or assignation; or who shall offer, or offer to secure, another for the purpose of prostitution, or for any other lewd or indecent act; or who shall receive or offer or agree to receive any person into any house, place, building, hotel, tourist camp, or other structure, or vehicle, trailer, or other conveyance

20 for the purpose of prostitution, lewdness, or assignation,  
21 or to permit any person to remain there for such pur-  
22 pose; or who for another or others shall direct, take, or  
23 transport, or offer or agree to take or transport, or aid  
24 or assist in transporting, any person to any house, place,  
25 building, hotel, tourist camp, other structure, vehicle,  
26 trailer, or other conveyance, or to any other person with  
27 knowledge or having reasonable cause to believe that the  
28 purpose of such directing, taking, or transporting is pros-  
29 titution, lewdness, or assignation; or who shall aid, abet,  
30 or participate in the doing of any acts herein prohibited,  
31 shall, upon conviction for the first offense under this  
32 section, be punished by imprisonment in the county jail  
33 for a period not less than six months nor more than one  
34 year, and by a fine of not less than one hundred dol-  
35 lars and not to exceed two hundred fifty dollars, and  
36 upon conviction for any subsequent offense under this  
37 section shall be punished by imprisonment in the peni-  
38 tentiary for a period of not less than one year nor more  
39 than five years.

40 (b) Any person who shall engage in prostitution, lewd-

41 ness, or assignation, or who shall solicit, induce, entice,  
42 or procure another to commit an act of prostitution,  
43 lewdness, or assignation; or who shall reside in, enter,  
44 or remain in any house, place, building, hotel, tourist  
45 camp, or other structure, or enter or remain in any vehicle,  
46 trailer, or other conveyance for the purpose of pros-  
47 titution, lewdness, or assignation; or who shall aid, abet,  
48 or participate in the doing of any of the acts herein  
49 prohibited, shall, upon conviction for the first offense  
50 under this section, be punished by imprisonment in  
51 the county jail for a period of not less than sixty days  
52 nor more than six months, and by a fine of not less  
53 than fifty dollars and not to exceed one hundred dol-  
54 lars; and upon conviction for the second offense under  
55 this section, be punished by imprisonment in the county  
56 jail for a period of not less than six months nor more  
57 than one year, and by a fine of not less than one hun-  
58 dred dollars and not to exceed two hundred fifty dollars,  
59 and upon conviction for any subsequent offense under  
60 this section shall be punished by imprisonment in the  
61 penitentiary for not less than one year nor more than

62 three years.

63 The subsequent offense provision shall apply only to  
64 the pimp, panderer, solicitor, operator or any person  
65 benefitting financially or otherwise from the earnings of  
66 a prostitute.

67 (c) All leases and agreements, oral or written, for  
68 letting, subletting, or renting any house, place, build-  
69 ing, hotel, tourist camp, or other structure which is used  
70 for the purpose of prostitution, lewdness, or assignation,  
71 shall be void from and after the date any person who is a  
72 party to such an agreement shall be convicted of an of-  
73 fense hereunder. The term "tourist camp" shall include  
74 any temporary or permanent buildings, tents, cabins, or  
75 structures, or trailers, or other vehicles which are main-  
76 tained, offered, or used for dwelling or sleeping quarters  
77 for pay.

78 (d) In the trial of any person, charged with a viola-  
79 tion of any of the provisions of this section, testimony  
80 concerning the reputation or character of any house,  
81 place, building, hotel, tourist camp, or other structure, and  
82 of the person or persons who reside in or frequent same,

83 and of the defendant or defendants, shall be admissible  
84 in evidence in support of the charge. Justices of the peace  
85 shall have concurrent jurisdiction with circuit, inter-  
86 mediate, and criminal courts to try and determine the  
87 misdemeanors set forth and described in this section.

*Sec. 9. This section is hereby repealed.*

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

Roy Z. Quinn  
Chairman Senate Committee

Frank H. Pottery  
Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Arthur Watkins  
Clerk of the Senate

John H. Clipp  
Clerk of the House of Delegates

James Paul  
President of the Senate

John E. Brown  
Speaker House of Delegates

The within approved this the 10  
day of March, 1943.

Matthew M. Neely  
Governor.

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Filed in the office of the Secretary of State  
of West Virginia MAR 10 1943

Wm. S. O'BRIEN,  
Secretary of State