

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

ENROLLED

SENATE BILL NO. 7

(By Mr. Carson, Mr. President and Mr. Carngain)

PASSED February 1 1965

In Effect Ninety days from Passage



FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 2-8-65

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ENROLLED

Senate Bill No. 7

(By MR. CARSON, MR. PRESIDENT, and MR. CARRIGAN)

[Passed February 1, 1965; in effect ninety days from passage.]

AN ACT to amend article three, 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 twenty-four-b, prohibiting the manufacture, sale, offer or advertisement for sale, possession, gift or transfer of any instrument, apparatus, equipment, or device or plans for instructions therefor, designed, adapted, used, or employed with the intent or for the purpose of obtaining telephone or telegraph service or the transmission of a message, signal or other communication by telephone or telegraph, or over telephone or telegraph facilities without the payment of charges therefor, or with the intent or for the

purpose of concealing or assisting another to conceal the existence or places of origin or of destination of any message, signal or other communication by telephone or telegraph, or over telephone or telegraph facilities; providing criminal penalties; and authorizing the seizure of any such instrument, apparatus, equipment, device, plans or instructions, and, following conviction, the destruction thereof as contraband.

Be it enacted by the Legislature of West Virginia:

That article three, 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 twenty-four-b, to read as follows:

Section 24-b. Making, Selling, Possessing, Transferring

2 or Advertising for Sale a Device or Plans for a Device

3 Designed to Obtain or Use Telephone or Telegraph Serv-

4 ice or Facilities by False or Fraudulent Means; Penalty.—

5 It shall be unlawful for any person knowingly to make,

6 sell, offer or advertise for sale, possess, or give or other-

7 wise transfer to another any instrument, apparatus, equip-

8 ment, or device or plans or instructions for making or

9 assembling any instrument, apparatus, equipment, or
10 device which has been designed, adapted, used, or em-
11 ployed with the intent or for the purpose of (1) obtaining
12 telephone or telegraph service or the transmission of a
13 message, signal or other communication by telephone or
14 telegraph, or over telephone or telegraph facilities with-
15 out the payment of charges therefor, or (2) concealing
16 or assisting another to conceal from any supplier of tele-
17 phone or telegraph service or from any person charged
18 with the responsibility of enforcing this section, the
19 existence or place of origin or of destination of any mes-
20 sage, signal, or other communication by telephone or
21 telegraph, or over telephone or telegraph facilities.

22 Any person who violates any provision of this section
23 is guilty of a misdemeanor, and upon conviction thereof,
24 shall be punished by imprisonment in the county jail not
25 exceeding twelve months, or by fine not exceeding five
26 hundred dollars, or by both such fine and imprisonment
27 at the discretion of the court. Any such instrument, ap-
28 paratus, equipment, or device, or plans or instructions
29 therefor, may be seized by court order or under the war-

30 rant of a justice; and, upon the conviction of any person
31 owning same or having any interest therein for a vio-
32 lation of any provision of this section, which conviction
33 has become final, such instrument, apparatus, equipment,
34 device, plans or instructions shall be destroyed as con-
35 traband by the sheriff of the county in which such person
36 was convicted.



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

O. Roy Parker
Chairman Senate Committee

James H. Loop
Chairman House Committee

Originated in the Senate.

Takes effect *Ninety days from* Passage.

Howard Mupley
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard Roberson
President of the Senate

H. Laban White
Speaker House of Delegates

The within *approved* this the *8th*
day of *February*, 1965.

Walter C. Smith
Governor

