ENROLLED BILL

Senate Bill No. 153

(By Mr. Smith)

Passed March 14, 1931

In Effect Ninety days from Passage
ENROLLED BILL

(S. B. No. 153)

[Passed March 14, 1931; in effect ninety days from passage.]

AN ACT to amend and re-enact section six of article seven of chapter sixty-one of the official code relating to the carrying of revolvers, pistols or other dangerous or deadly weapons of like kind or character by special officers and posses, and the liability of such officers and posses using such weapons.

Be it enacted by the Legislature of West Virginia:

That section six of article seven of chapter sixty-one of the official code, relating to the carrying of revolvers, pistols or other dangerous or deadly weapons of like kind or character by special officers and posses, and the liability of such officers and posses using such weapons, be amended and re-enacted so as to read as
Section 6. In case of riot, public danger or emergency, a sheriff may authorize a deputy or posse to carry revolvers, pistols or other dangerous or deadly weapons of like kind or character, upon filing with the clerk of the county court the reasons and causes for such authority and the name or names of the persons so authorized, and the same shall always be open to public inspection. Such authority shall authorize such deputies and posses to carry weapons in good faith and only for the specific purposes and times named in such authority, and upon the trial of any indictment for carrying such weapon or weapons, the jury shall inquire into the good faith of the person attempting to defend such indictment under the authority granted by such sheriff. Any person or persons so authorized to carry such weapon or weapons shall be personally liable for the injury caused to any person by the negligent or unlawful use thereof.
This bill is identical with House Bill #283 approved March 11, 1931, except there is inserted in the first line of section 3 of Senate Bill #153 the words "public danger or emergency" which do not appear in said House Bill. Senate Bill having been passed after the House Bill, the Senate Bill would prevail wherein there is any conflict.