

153

ENROLLED BILL



Senate Bill No. 153

(By Mr. Smith)

Passed March 14, 1931

In Effect Ninety days from Passage

Originating in the Senate Takes effect Forty days from Passage
M. H. Lyca Clerk of the Senate. P. H. Hill Clerk of the House of Delegates.

CORRECTLY ENROLLED

Harmon D. Russell Chairman House Committee. Jacob D. Smith Chairman Senate Committee.

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

follows:

Section 6. In case of riot, public danger or emergency, a
 2 sheriff may authorize a deputy or posse to carry revolvers, pis-
 3 tols or other dangerous or deadly weapons of like kind or char-
 4 acter, upon filing with the clerk of the county court the reasons
 5 and causes for such authority and the name or names of the
 6 persons so authorized, and the same shall always be open to
 7 public inspection. Such authority shall authorize such depu-
 8 ties and posses to carry weapons in good faith and only for the
 9 specific purposes and times named in such authority, and upon
 10 the trial of any indictment for carrying such weapon or weap-
 11 ons, the jury shall inquire into the good faith of the person
 12 attempting to defend such indictment under the authority
 13 granted by such sheriff. Any person or persons so authorized
 14 to carry such weapon or weapons shall be personally liable for
 15 the injury caused to any person by the negligent or unlawful
 16 use thereof.

CORRECTLY ENROLLED

Amesbury

Chairman House Committee.

Joseph D. Smith

Chairman Senate Committee.

CORRECTLY ENROLLED

Jacob H. Linder
Chairman Senate Committee.

Wm. S. Hodges
Chairman House Committee.

J. Alfred Taylor
Speaker of the House of Delegates.

R. H. Kidd
Clerk of the House of Delegates.

W. C. White
President of the Senate.

W. S. Hodges
Clerk of the Senate.

The within is *approved*

this *18th* day of *March*, 1931.

W. C. Taylor
Governor.

This bill is identical with House Bill #283 approved March 11, 1931, except there is inserted in the first line of section 6 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.

W. C.