

2-24-33

#44

ENROLLED BILL

Regular Session

SENATE BILL NO. 44

By Mr. Taylor (By Request)

PASSED February 22, 1933

IN EFFECT from PASSAGE

Originating in the Senate Takes effect from Passage.
Clerk. Shubert Clerk of the House of Delegates. Geo. S. Vace

CORRECTLY ENROLLED

James L. Smith Chairman House Committee. James A. H. H. H. Chairman Senate Committee.

ENROLLED BILL

(S. B. No. 44)

[Passed February 22, 1933; in effect from passage.]

AN ACT to amend and reenact section fourteen, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, relating to the appointment of special constables by justices of the peace, and the authority of such special constables to carry revolvers, pistols and other dangerous or deadly weapons of like kind or character, and the authority of such special constables to execute or assist in executing any warrant in any criminal proceeding.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted so as to read as follows:

Section 14. Whenever it shall satisfactorily appear to a

CORRECTLY ENROLLED

W. H. Hays

Chairman Senate Committee.

James E. Smith

Chairman House Committee.

James E. Smith

2 justice issuing a summons, attachment or warrant of arrest
3 in a civil action that a necessity exists therefor, he may
4 appoint a special constable to execute the same, provided no
5 duly elected constable is available, either by directing such pro-
6 cess to such special constable by name as follows:

7 "To A.....B....., who is hereby
8 appointed a special constable to execute this process," or by
9 endorsing such appointment on such process: *Provided*, That
10 nothing herein contained shall be construed as empowering
11 a justice to confer upon any special constable, so appointed
12 by him, authority to carry revolvers, pistols or other dan-
13 gerous or deadly weapons of like kind or character, nor shall
14 any such authority be so conferred by any justice; and no
15 special constable shall have or exercise such authority by
16 virtue of such appointment, nor shall such authority be
17 pleaded as a defense by any such special constable to any
18 indictment for carrying such weapons; *Provided further*,
19 That nothing herein contained shall be construed as empow-
20 ering a justice to confer upon any special constable, so ap-
21 pointed by him, authority to execute or to aid or assist in
22 executing any warrant in any criminal proceeding.

CORRECTLY ENROLLED

James A. Smith
Chairman Senate Committee.

Wm. M. Shriver
Speaker of the House of Delegates

Geo. L. Hall
Clerk of the House of Delegates.

Wm. M. Shriver
President of the Senate.

Shirley Smith
Clerk of the Senate.

James A. Smith
Chairman House Committee.

The within is *approved*

this *28* day of *February*, 1933.

Filed in the office of the Secretary of State
of West Virginia **FEB 28 1933**
GEORGE W. SHARP,
Secretary of State.

Wm. M. Shriver
Governor.