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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939

ENROLLED

SENATE BILL No. 119

(By Mr. Johnston (of Mercer))

PASSED Feb. 27th 1939

In Effect 90 days from Passage

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This reenrolled copy received

WILLIAM S. O'BRIEN
SECRETARY OF STATE

1911

ENROLLED

Senate Bill No. 119

(By MR. JOHNSTON, of Mercer)

[Passed February 27, 1939; in effect ninety days from passage.]

AN ACT to amend article ten, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, by amending and reenacting section eleven thereof, relating to lotteries and penalties therefor, and by adding thereto sections eleven-a and eleven-b, relating to "policy" and "numbers" lotteries, and prescribing penalties therefor.

Be it enacted by the Legislature of West Virginia:

That article ten, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, be amended by amending and reenacting section eleven thereof, and by adding thereto sections eleven-a and eleven-b, to read as follows:

Section 11. *Lotteries; Penalty.* If any person shall set up
2 or promote or be concerned in managing or drawing a
3 lottery or raffle, for money or other thing of value, or
4 knowingly permit such lottery in any house under his con-
5 trol, or knowingly permit money or other property to be
6 raffled for in such house, or to be won therein, by throwing
7 or using dice, or by any other game of chance, or knowingly
8 permit the sale in such house of any chance or ticket, or
9 share of a ticket, in a lottery, or any writing, certificate, bill,
10 token or other device purporting or intended to guarantee
11 or assure to any person, or to entitle him to a prize, or a share
12 of, or interest in, a prize to be drawn in a lottery, or shall, for
13 himself, or any other person, buy, sell, or transfer, or have in
14 his possession for the purpose of sale, or with intent to ex-
15 change, negotiate, or transfer, or shall aid in selling, exchang-
16 ing, negotiating, or transferring a chance or ticket, or a share
17 of a ticket, in a lottery, or any such writing, certificate, bill,
18 token or device, he shall be guilty of a misdemeanor, and,
19 upon conviction, shall, in the discretion of the court, be con-
20 fined in jail not more than one year or be fined not exceeding
21 one thousand dollars, or both: *Provided, however,* That this

22 section shall not be deemed to apply to that certain type or
23 form of lottery or raffle designated and familiarly known as
24 "policy" or "numbers".

Sec. 11-a. "*Policy*" or "*Numbers*"; *Penalty*. Any person
2 who keeps, occupies or uses, or permits to be kept, occupied
3 or used, a place, building, room, table, establishment or ap-
4 paratus for "policy" or "numbers" playing or for the sale
5 of what are commonly called "lottery policies," or who de-
6 livers or receives money or other valuable consideration in
7 playing "policy" or "numbers," or in aiding in the playing
8 thereof, or for what is commonly called a "lottery policy," or
9 for any writing, or document in the nature of a bet, wager,
10 or insurance upon the drawing or selection, or the drawn
11 or selected numbers of any "policy" or "numbers" lottery;
12 or who shall have in his possession, knowingly, any writing,
13 paper or document, representing or being a record of any
14 chance, share or interest in numbers sold, drawn or selected,
15 or to be drawn or selected in what is commonly called "policy"
16 or "numbers," or in the nature of a bet, wager or insurance,
17 upon the drawing or selection, or the drawn or selected num-
18 bers of any "policy" or "numbers" lottery; or any paper,

19 print, writing, number, device, policy slip, or article of any
20 kind such as is commonly used in carrying on, promoting or
21 playing the game commonly called "policy" or "numbers";
22 or who is the owner, agent, superintendent, janitor or caretak-
23 er of any place, building, or room where "policy" or "num-
24 bers" playing or the sale of what are commonly called "lot-
25 tery policies" is carried on with his knowledge or after notifi-
26 cation that the premises are so used, permits such use to be
27 continued, or who aids, assists, or abets in any manner, in
28 any of the offenses, acts or matters herein named, shall be
29 guilty of a felony, and upon conviction, shall, in the discretion
30 of the court, either be confined in the penitentiary not less
31 than one year nor more than five years, or be confined in jail
32 not less than six nor more than twelve months and fined not
33 less than two hundred dollars nor more than one thousand
34 dollars. Upon commission of a second or subsequent offense
35 under this section, he shall be guilty of a felony, and upon
36 conviction shall be confined in the penitentiary of this state
37 for a period of not less than two years nor more than ten years.

Sec. 11-b. *Possession of "Policy" or "Numbers" Slips Un-*
2 *lawful.* The possession, by any person other than a public of-

3 ficer acting in his official capacity, of any writing, paper, or
4 document representing or being a record of any chance, share
5 or interest in numbers, sold, given away, drawn, or selected, or
6 to be drawn or selected, in what is commonly called "policy"
7 or "numbers," or in the nature of a bet, wager or insurance
8 upon the drawing or selection, or the drawn or selected num-
9 bers of any "policy" or "numbers" lottery, or any paper,
10 print, writing, numbers of device, policy slip, or article of any
11 kind, such as is commonly used in carrying on, promoting or
12 playing the game commonly called "policy" or "numbers,"
13 is presumptive evidence of possession thereof knowingly and
14 in violation of the provisions of section eleven-a of this article.

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

E. O. Wiseman

Chairman Senate Committee

W. H. Walker

Chairman House Committee

Originated in the *Senate*

Takes effect *ninety days from* passage

Chas. C. Vinley

Clerk of the Senate

Wm. S. Hall

Clerk of the House of Delegates

Wm. W. Patton

President of the Senate

James Kay Thomas

Speaker House of Delegates

The within *approved* this the *6th*

day of *March*, 1939.

Sam A. Bell

Governor

*This enrolled copy removed
A.S.*