

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1943



ENROLLED

HOUSE BILL No. 89

(By Mr. Evans)



PASSED March 1, 1943

In Effect from Passage

89

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House Bill No. 89

(BY MR. EVANS)

[Passed March 1, 1943; in effect from passage.]

AN ACT to repeal section nine and to amend and reenact section five, article eight, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, relating to the use of vehicles in aid of prostitution, to houses of prostitution and assignation, prohibiting prostitution, lewdness, and assignation, prohibiting the letting or renting of any house, place, hotel, or other structure for the purpose of prostitution, lewdness or assignation, making such leases void and defining the term "tourist camp."

Be it enacted by the Legislature of West Virginia:

That section nine, article eight, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, be repealed and that section five, article eight, chapter sixty-

one of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 5. *Houses of Ill Fame and Assignment; Penalties; Jurisdiction of Courts.*—(a) Any person who shall keep, set up, maintain, or operate any house, place, building, hotel, tourist camp, other structure, or part thereof, or vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation; or who shall own any place, house, hotel, tourist camp, other structure, or part thereof, or trailer or other conveyance knowing the same to be used for the purpose of prostitution, lewdness, or assignation, or who shall let, sublet, or rent any such place, premises, or conveyance to another with knowledge or good reason to know of the intention of the lessee or rentee to use such place, premises, or conveyance for prostitution, lewdness, or assignation; or who shall offer, or offer to secure, another for the purpose of prostitution, or for any other lewd or indecent act; or who shall receive or offer or agree to receive any person into any house, place, building, hotel, tourist camp, or other structure, or vehicle, trailer, or other conveyance

20 for the purpose of prostitution, lewdness, or assignation,
21 or to permit any person to remain there for such pur-
22 pose; or who for another or others shall direct, take, or
23 transport, or offer or agree to take or transport, or aid
24 or assist in transporting, any person to any house, place,
25 building, hotel, tourist camp, other structure, vehicle,
26 trailer, or other conveyance, or to any other person with
27 knowledge or having reasonable cause to believe that the
28 purpose of such directing, taking, or transporting is pros-
29 titution, lewdness, or assignation; or who shall aid, abet,
30 or participate in the doing of any acts herein prohibited,
31 shall, upon conviction for the first offense under this
32 section, be punished by imprisonment in the county jail
33 for a period not less than six months nor more than one
34 year, and by a fine of not less than one hundred dol-
35 lars and not to exceed two hundred fifty dollars, and
36 upon conviction for any subsequent offense under this
37 section shall be punished by imprisonment in the peni-
38 tentiary for a period of not less than one year nor more
39 than five years.

40 (b) Any person who shall engage in prostitution, lewd-

41 ness, or assignation, or who shall solicit, induce, entice,
42 or procure another to commit an act of prostitution,
43 lewdness, or assignation; or who shall reside in, enter,
44 or remain in any house, place, building, hotel, tourist
45 camp, or other structure, or enter or remain in any vehicle,
46 trailer, or other conveyance for the purpose of pros-
47 titution, lewdness, or assignation; or who shall aid, abet,
48 or participate in the doing of any of the acts herein
49 prohibited, shall, upon conviction for the first offense
50 under this section, be punished by imprisonment in
51 the county jail for a period of not less than sixty days
52 nor more than six months, and by a fine of not less
53 than fifty dollars and not to exceed one hundred dol-
54 lars; and upon conviction for the second offense under
55 this section, be punished by imprisonment in the county
56 jail for a period of not less than six months nor more
57 than one year, and by a fine of not less than one hun-
58 dred dollars and not to exceed two hundred fifty dollars,
59 and upon conviction for any subsequent offense under
60 this section shall be punished by imprisonment in the
61 penitentiary for not less than one year nor more than

62 three years.

63 The subsequent offense provision shall apply only to
64 the pimp, panderer, solicitor, operator or any person
65 benefitting financially or otherwise from the earnings of
66 a prostitute.

67 (c) All leases and agreements, oral or written, for
68 letting, subletting, or renting any house, place, build-
69 ing, hotel, tourist camp, or other structure which is used
70 for the purpose of prostitution, lewdness, or assignation,
71 shall be void from and after the date any person who is a
72 party to such an agreement shall be convicted of an of-
73 fense hereunder. The term "tourist camp" shall include
74 any temporary or permanent buildings, tents, cabins, or
75 structures, or trailers, or other vehicles which are main-
76 tained, offered, or used for dwelling or sleeping quarters
77 for pay.

78 (d) In the trial of any person, charged with a viola-
79 tion of any of the provisions of this section, testimony
80 concerning the reputation or character of any house,
81 place, building, hotel, tourist camp, or other structure, and
82 of the person or persons who reside in or frequent same,

83 and of the defendant or defendants, shall be admissible
84 in evidence in support of the charge. Justices of the peace
85 shall have concurrent jurisdiction with circuit, inter-
86 mediate, and criminal courts to try and determine the
87 misdemeanors set forth and described in this section.

Sec. 9. This section is hereby repealed.

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

Roy J. Quinn
Chairman Senate Committee

Frank H. Pottery
Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Arthur Watkins
Clerk of the Senate

J. R. Hiff
Clerk of the House of Delegates

James Paull
President of the Senate

James E. Bruce
Speaker House of Delegates

The within approved this the 10
day of March, 1943.

Matthew M. Neely
Governor.



Filed in the office of the Secretary of State
of West Virginia MAR 10 1943

Wm. S. O'BRIEN,
Secretary of State