

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1943



ENROLLED

HOUSE BILL No. 99

(By Mr. Brand)



PASSED March 13, 1943

In Effect ninety days from Passage

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House Bill No. 99
(By MR. BRAND)

[Passed March 13, 1943; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article six, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by section seven, chapter four, acts of the Legislature, regular session, one thousand nine hundred thirty-five, relating to violations of the liquor control act.

Be it enacted by the Legislature of West Virginia:

That section seven, article six, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by section seven, chapter four, acts of the Legislature, regular session, one thousand nine hundred thirty-five, be amended and reenacted to read as follows:

Section 7. *Specific Acts Forbidden.*—A person shall
2 not:
3 (1) Manufacture or sell in this state without a license
4 any alcoholic liquor except as permitted by this article;

5 (2) Aid or abet in the manufacture or sale of alcoholic
6 liquor without a license except as permitted by this
7 article;

8 (3) Sell without a license any alcoholic liquor other
9 than permitted by this article;

10 (4) Adulterate any alcoholic liquor by the addition of
11 any drug, methyl alcohol, crude, unrectified or impure
12 form of ethyl alcohol, or other foreign or deleterious sub-
13 stance or liquid;

14 (5) Refill, with alcoholic liquor, any bottle or other
15 container in which alcoholic liquor has been sold at re-
16 tail in this state;

17 (6) Advertise any alcoholic liquor in this state except
18 in accordance with the rules and regulations of the com-
19 mission;

20 (7) Distribute, deal in, process, or use crowns, stamps
21 or seals required under authority of this chapter, except
22 in accordance with the rules and regulations prescribed
23 by the commission.

24 A person who violates any provision of this section
25 shall be guilty of a misdemeanor and upon conviction

26 shall be fined not less than fifty nor more than five hun-
 27 dred dollars, or confined in jail not less than thirty days
 28 nor more than one year or both such fine and imprison-
 29 ment, for the first offense. Upon conviction of a second
 30 or subsequent offense, the court may in its discretion
 31 impose a penalty of confinement in the penitentiary for a
 32 period not to exceed three years.

33 An indictment for any first violation of subdivisions
 34 one, two and three of this section, or any of them, shall be
 35 sufficient if in form or effect as follows:

36 State of West Virginia

37 County of....., to-wit:

38 The Grand Jurors of the State of West Virginia, in and
 39 for the body of the County of.....,

40 upon their oaths present that....., on

41 the ____day of....., 19____, in the

42 said County of....., did unlaw-

43 fully, without a State license and without authorization

44 under the Liquor Control Act, manufacture and sell, and

45 aid and abet in the manufacture and sale of a quantity of

46 alcoholic liquor, against the peace and dignity of the
47 State.

48 Any indictment under this section shall otherwise be
49 in conformity with section one, article nine, chapter sixty-
50 two of the code.

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

Ray H. Jimison
Chairman Senate Committee

Fred S. Rotroy
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Fred B. Watkins
Clerk of the Senate

Atcliff
Clerk of the House of Delegates

James Paull
President of the Senate

John E. Amos
Speaker House of Delegates

The within Approved this the 19th
day of March, 1943.

Matthew M. Neely
Governor.



Filed in the office of the Secretary of State
of West Virginia **MAR 19 1943**
Wm. S. O'BRIEN,
Secretary of State