

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945



ENROLLED

Committee Substitute
For HOUSE BILL No. 81

Introduced
(By Mr. *de-Gruyter* —)



PASSED *July 8* 1945

In Effect *From* Passage

18

ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 81

(Originating in the House Committee on the Judiciary)

[Passed February 8, 1945; in effect from passage.]

AN ACT to amend and reenact section nine, article six, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter four, acts of the Legislature, regular session, one thousand nine hundred thirty-five, and as amended and reenacted by chapter fourteen, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, relating to intoxication or drinking in public places, illegal possession of alcoholic liquor, arrests by sheriffs or their deputies for violations thereof committed in their presence, and prescribing penalties.

Be it enacted by the Legislature of West Virginia:

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

Section 9. *Intoxication or Drinking in Public Places;*

2 *Illegal Possession of Alcoholic Liquor; Arrests by Sheriffs*
3 *or Their Deputies for Violation in Their Presence; Penal-*
4 *ties.*—A person shall not:

5 (1) Appear in a public place in an intoxicated con-
6 dition;

7 (2) Drink alcoholic liquor in a public place;

8 (3) Drink alcoholic liquor in a motor vehicle on any
9 highway, street, alley or in a public garage;

10 (4) Tender a drink of alcoholic liquor to another per-
11 son in a public place;

12 (5) Possess alcoholic liquor in the amount in excess of
13 one gallon, in containers not bearing stamps or seals of

14 the commission, without having first obtained written
15 authority from the said commission therefor;

16 (6) Possess any alcoholic liquor which was manufac-
17 tured or acquired in violation of the provisions of this
18 chapter.

19 Any person who violates subsections one, two, three or
20 four of this section shall be guilty of a misdemeanor and
21 upon conviction shall be fined not less than five nor more
22 than one hundred dollars, or confined in jail not more than
23 sixty days, or both such fine and imprisonment. Any
24 person who violates subsection five or six of this section
25 shall be guilty of a misdemeanor, and upon conviction
26 shall be fined not less than one hundred dollars nor more
27 than five hundred dollars, or confined in jail not less than
28 sixty days nor more than twelve months, or both such
29 fine and imprisonment, and upon conviction of a second
30 or subsequent offense he shall be guilty of a felony and
31 shall be confined in the penitentiary of this state for a
32 period of not less than one year nor more than three
33 years.

34 The sheriff of any county or his deputy is hereby au-
35 thorized and empowered to arrest and hold in custody,
36 without a warrant, until complaint may be made before a
37 justice and a warrant issued, any person who in the pres-
38 ence of such sheriff or deputy violates any one or more
39 of subsections one to six, both inclusive, of this section.

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

Charles C. Morris
Chairman Senate Committee

J. Ade Grueter, Jr.
Chairman House Committee

Originated in the House

Takes effect From passage.

Thomas Myers
Clerk of the Senate

J. R. Clipp
Clerk of the House of Delegates

Charles W. Ticker
President of the Senate

John E. Rouse
Speaker House of Delegates

The within Approved this the 13th

day of January 1945.

Clarence Medsker
Governor.



Filed in the office of the Secretary of State
of West Virginia **FEB 13 1945**

Wm. S. O'Day
Secretary of State