WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

Committee Substitute

House Bill No. 81

Introduced

(By Mr. de-Fruttes)

PASSED

March 8th

1945

In Effect

From

Passage
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 or Their Deputies for Violation in Their Presence; Penalties.—A person shall not:

5 (1) Appear in a public place in an intoxicated condition;

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

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

10 (4) Tender a drink of alcoholic liquor to another person in a public place;

12 (5) Possess alcoholic liquor in the amount in excess of one gallon, in containers not bearing stamps or seals of
the commission, without having first obtained written
authority from the said commission therefor;
(6) Possess any alcoholic liquor which was manufac-
tured or acquired in violation of the provisions of this
chapter.
Any person who violates subsections one, two, three or
four of this section shall be guilty of a misdemeanor and
upon conviction shall be fined not less than five nor more
than one hundred dollars, or confined in jail not more than
sixty days, or both such fine and imprisonment. Any
person who violates subsection five or six of this section
shall be guilty of a misdemeanor, and upon conviction
shall be fined not less than one hundred dollars nor more
than five hundred dollars, or confined in jail not less than
sixty days nor more than twelve months, or both such
fine and imprisonment, and upon conviction of a second
or subsequent offense he shall be guilty of a felony and
shall be confined in the penitentiary of this state for a
period of not less than one year nor more than three
years.
The sheriff of any county or his deputy is hereby authorized and empowered to arrest and hold in custody, without a warrant, until complaint may be made before a justice and a warrant issued, any person who in the presence of such sheriff or deputy violates any one or more 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

[Signature]
Chairman House Committee

Originated in the House

Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 13th day of February, 1945.

[Signature]
Governor.

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

[Signature]
Secretary of State