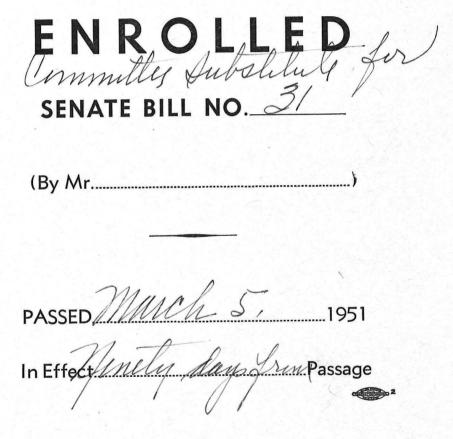
WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 31

[Passed March 5, 1951; in effect ninety days from passage.]

AN ACT to amend article three, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirtyone, as amended, by adding thereto a new section to be designated section six-a relating to the commitment of inebriates.

Be it enacted by the Legislature of West Virginia:

That article three, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section to be designated section six-a to read as follows:

Section 6-a. Commitment of Inebriates; Definition.— 2 The word "inebriate", whenever used in this chapter, 3 shall be construed to mean any person over the age of Enr. Com. Sub. for S. B. No. 31] 2

4 eighteen years, who is incapable or unfit to properly
5 conduct himself or herself, or his or her affairs, or is
6 dangerous to himself or herself or others, by reason of
7 periodical, frequent, or constant drunkenness, induced
8 either by the use of alcoholic or other liquors, or of opium,
9 morphine, or other narcotic or intoxicating or stupefying
10 substance.

11 If any resident of a county reasonably suspects any person therein to be an inebriate, he may make complaint 12 under oath to the clerk of the county court, giving such 13 information and stating such facts therein as may be 14 required, and he shall further furnish to said clerk the 15 certificate of a reputable physician showing the condi-16 tion of such suspected person. This complaint and cer-17 tificate shall be delivered to the clerk of the county court 18 19 whose duty it shall be to issue a warrant ordering the person suspected and named in such complaint and cer-20 tificate to be brought before the county mental hygiene 21 commission at a time and place named therein that his 22 condition may be inquired into. All such warrants shall 23 24 be signed by the clerk of the county court and have im-

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25 pressed thereon the seal thereof; and may be addressed 26 to the sheriff of the county or to any constable of any 27 district thereof, or to a special constable appointed for the purpose and named therein; but if any relative or 28 29 friend of the person so suspected will serve such warrant and cause such suspected person to be brought before 30 the commission, he may be allowed to do so. The of-31 32 ficer or person to whom the warrant is addressed shall take the suspected person into custody and bring him or 33 her before the commission at the time and place named 34 35 therein.

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36 Whenever a person apparently an inebriate is so violent 37 as to endanger his or her own safety, or the safety of 38 others, any law enforcement officer may, with or without 39 a warrant, take such person into protective custody.

When such suspected person is brought before the county mental hygiene commission, this commission shall proceed to examine such person as outlined in sections four and five of this article. If such person is found to be an inebriate by the commission after proper hearing, he or she shall be committed to one of the state mental Enr. Com. Sub. for S. B. No. 31] 4

46 hospitals or any other institution hereafter established 47 for inebriates. He or she shall be discharged therefrom 48 when, in the opinion of the superintendent of the insti-49 tution, he or she has received the maximum benefit from 50 such hospitalization. In all such cases the law applicable 51 to mentally diseased persons shall be applicable to such 52 inebriate, except that such inebriate shall not forfeit 53 his or her civil rights as in the case of a mentally diseased 54 person.

[Enr. Com. Sub. for S. B. No. 31 5 The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled. Chairman Senate Committee Chairman House Committee Originated in the Senate. Ann passage. Takes effect/ Clerk of the Senate Clerk of the House of Delegates President of the Senate Speaker House of Delegates The within pprousd this the 8th MARCH , 1951. day of. Alter Governor. the Uthes of the Secretary of State of West Virginia D. PITT O'BRIEN. SECRETARY OF STRAFF