

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951

ENROLLED

Committee Substitute for
SENATE BILL NO. 31

(By Mr.....)

PASSED *March 5,* 1951

In Effect *Ninety days from* Passage



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 thirty-one, 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

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

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
28 the purpose and named therein; but if any relative or
29 friend of the person so suspected will serve such warrant
30 and cause such suspected person to be brought before
31 the commission, he may be allowed to do so. The of-
32 ficer or person to whom the warrant is addressed shall
33 take the suspected person into custody and bring him or
34 her before the commission at the time and place named
35 therein.

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.

40 When such suspected person is brought before the
41 county mental hygiene commission, this commission shall
42 proceed to examine such person as outlined in sections
43 four and five of this article. If such person is found to
44 be an inebriate by the commission after proper hearing,
45 he or she shall be committed to one of the state mental

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.

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

[Handwritten Signature]
Chairman Senate Committee

James M. Loop
Chairman House Committee

Originated in the Senate.

Takes effect *thirty days from* passage.

Samuel Keese
Clerk of the Senate

J.R. Glegg
Clerk of the House of Delegates

Langley Huston
President of the Senate

W.E. Harner
Speaker House of Delegates

The within *approved* this the *8th* day of *MARCH*, 1951.

Okey L. Patterson
Governor.



Filed in the Office of the Secretary of State of West Virginia **MAR 8 1951**

D. PITT O'BRIEN,
SECRETARY OF STATE