

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957



ENROLLED

HOUSE BILL No. 315

(By Mr. Bachman and Moreland)



PASSED Feb 20 1957

In Effect 90 days from Passage



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House Bill No. 315

(By MR. BACHMANN and MR. MORELAND)

[Passed February 20, 1957; in effect ninety days from passage.]

AN ACT to amend and reenact sections three, seventeen, twenty-seven and thirty-nine, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to crimes against property; penalties.

Be it enacted by the Legislature of West Virginia:

That sections three, seventeen, twenty-seven and thirty-nine, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. *Burning Personal Property of Another of the*
2 *Value of Fifty Dollars; Third Degree Arson.*—Any person
3 who wilfully and maliciously sets fire to or burns or
4 causes to be burned, or who aids, counsels or procures the
5 burning of any personal property of any class or character,

6 (such property being of the value of not less than fifty
7 dollars and the property of another person), shall be
8 guilty of arson in the third degree and upon conviction
9 thereof, be sentenced to the penitentiary for not less than
10 one nor more than three years.

Sec. 17. *Larceny of Skiff, Boat, Timber and Appliances;*
2 *Penalty.*—If any person unlawfully take and carry away
3 or convert to his own use any skiff, boat or timber, whether
4 the same be afloat or not, or if any person buy or receive
5 from another person, or aid in concealing, any stolen rope,
6 line fastening, connection or other appliances or device
7 used to tie, moor, attach or fasten floating craft, timber
8 or other material to a bank of any stream, knowing or
9 having cause to believe the same to have been stolen, he
10 shall be deemed guilty of the larceny thereof, and if the
11 value thereof exceed fifty dollars, he shall be guilty of
12 a felony, and, upon conviction, shall be confined in the
13 penitentiary not less than one nor more than five years;
14 and if the value be less than fifty dollars, he shall be
15 deemed guilty of a misdemeanor, and be punished as in
16 other cases of petit larceny. Any person so receiving such

17 property, knowing or having cause to believe the same
18 to be stolen, may be prosecuted although the principal
19 offender be not convicted.

Sec. 27. *Malicious Killing of Animals by Poison or Otherwise; Penalty.*—If any person maliciously administer
2 poison to, or expose it with intent that it should be taken
3 by, any horse, cattle or other beast, of another person, or
4 if any person maliciously maim, kill, or cause the death
5 of any horse, cattle or other beast, of another person, of
6 the value of fifty dollars or more he shall be guilty of a
7 felony, and, upon conviction, shall be confined in the
8 penitentiary not less than one nor more than five years;
9 and, if it be of less value than fifty dollars, he shall be
10 guilty of a misdemeanor, and, upon conviction, shall be
11 confined in jail not more than three months and fined not
12 more than fifty dollars, in the discretion of the court:
13 *Provided*, That this section shall not be construed to
14 include dogs.

Sec. 39. *Giving Worthless Check; Penalties.*—Any per-
2 son who, with intent to defraud, shall make, draw, issue,
3 utter or deliver to another any check, draft or order for

4 the payment of money upon any bank, or other deposi-
5 tory, and thereby obtain from such other any credit,
6 credit on account, money, goods or other property or thing
7 of value, knowing at the time of such making, drawing,
8 issuing, uttering or delivering that the maker or drawer
9 thereof has not sufficient funds in, or credit with such
10 bank or other depository for the payment of such check,
11 draft or order in full upon its presentment, shall be guilty
12 of a misdemeanor, if the amount of such check, draft or
13 order be under fifty dollars, and upon conviction thereof,
14 shall be confined in the county jail not less than five nor
15 more than sixty days, or fined not less than one hundred
16 dollars, or both fined and imprisoned; and if the amount
17 of such check, draft or order be fifty dollars or over, he
18 shall be guilty of a felony, and, upon conviction thereof,
19 shall be confined in the penitentiary not less than one
20 nor more than five years and be fined not more than one
21 thousand dollars. The making, drawing, issuing, uttering
22 or delivering of a check, draft or order upon such bank, or
23 other depository, by any person knowing that there is
24 not sufficient funds or credit in such bank or depository

25 from which the same can be paid on presentment shall,
26 as against the drawer, be prima facie evidence of knowl-
27 edge of insufficiency of funds, or lack of credit, and of
28 intent to defraud: *Provided, however,* That if such check,
29 draft or order be paid at any time previous to the trial
30 or examination of such person before a justice of the
31 peace, or before indictment of such person by a grand
32 jury, then no presumption of knowledge of insufficiency
33 of funds, or lack of credit, and of intent to defraud shall
34 arise.

35 The making, drawing, issuing, uttering or delivery of
36 any such check, draft or order, for or on behalf of any
37 corporation, or in its name, by any officer or agent of
38 such corporation, shall subject such officer or agent to
39 the penalties of this section to the same extent as though
40 such check, draft, or order was his own personal act,
41 when such agent or officer knows that such corporation
42 does not have sufficient funds or credit with such bank
43 or other depository from which such check, draft or order
44 can legally be paid upon presentment.

45 Such person, officer or agent, shall be prosecuted in the

46 county in which he makes, draws, issues or delivers such
47 check. Justices of the peace shall have jurisdiction to try
48 any misdemeanor charge hereunder. The word "credit"
49 as used herein shall be construed to mean an arrangement
50 or understanding with the bank or depository for the pay-
51 ment of such check, draft or order.

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

Sam R. Michael
Chairman Senate Committee

R. F. Deem
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Howard Keyser
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Pepp J. Bean
President of the Senate
W. E. Fleming
Speaker, House of Delegates

The within approved this the second day of March, 1957.

Leif H. Underwood
Governor



Filed in the Office of the Secretary of State
of West Virginia
MAR 2 - 1957
D. WITT O'BRIEN
SECRETARY OF STATE