

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 156

(By Mr. Baxer and Mr. Casey)



PASSED Feb. 15 1963

In Effect Ninety Days from Passage



Filed in Office of the Secretary of State  
of West Virginia 2-21-63.

JOE F. BURDETT  
SECRETARY OF STATE

# 15-6

**ENROLLED**  
**House Bill No. 156**

(By MR. BAKER and MR. CASEY)

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[Passed February 15, 1963; in effect ninety days from passage.]

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AN ACT to amend and reenact section eight, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to property used for illegal purposes and providing for its seizure and disposition.

*Be it enacted by the Legislature of West Virginia:*

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

**Article 7. Law Enforcement, Procedures and Penalties.**

**Section 8. Property Used for Illegal Purposes; Seizure  
2 and Disposition.**—Any officer, when he arrests or other-

3 wise takes a person into custody for violating any pro-  
4 vision or provisions of this chapter, is hereby also author-  
5 ized and empowered to take and impound any property  
6 found in the possession of the accused and susceptible  
7 of use in committing the offense of which the person is  
8 accused. Such property shall include firearms, fishing  
8 equipment, traps, boats, or any other device, appliance  
9 or conveyance, but shall not include dogs.

10 If the accused is acquitted the property seized shall be  
11 returned. If the accused is convicted and pays the fine,  
12 costs and other penalties, the property shall be returned,  
13 but if the accused fails to pay the fine and costs, the  
14 property shall be sold at public auction in such manner  
15 as the director may prescribe. The proceeds of the sale  
16 shall be applied toward the payment of the fine and  
17 costs. The remainder, if any, shall be paid to the owner  
18 of the seized property.

20 Whenever a person is convicted of a violation of this  
21 chapter a second time, the property seized at the time  
22 of arrest shall in any case be declared forfeited to the state  
23 and shall be sold in the manner provided by this section.

24 Property seized, the use of which is forbidden by this  
25 chapter, or which is unfit or unsafe for further use, shall  
26 be declared forfeited to the state and shall be disposed  
27 of by the director.

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

*J. Roy Parker*  
Chairman Senate Committee

*Ethel L. Caudell*  
Chairman House Committee

Originated in the House.

Takes effect Ninety Days from passage.

*J. Howard Hayes*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard W. Carson*  
President of the Senate

*Julius W. Siefert Jr.*  
Speaker House of Delegates

The within approved this the 20<sup>th</sup>  
day of February, 1963.

*W. M. Barron*  
Governor

