WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED

SENATE BILL NO. 7

(By Mr. Cassin, Mr. President and Mr. Caruyain)

PASSED February 1, 1965

In Effect Ninety days from Passage

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 2-8-65
AN ACT to amend article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section designated section twenty-four-b, prohibiting the manufacture, sale, offer or advertisement for sale, possession, gift or transfer of any instrument, apparatus, equipment, or device or plans for instructions therefor, designed, adapted, used, or employed with the intent or for the purpose of obtaining telephone or telegraph service or the transmission of a message, signal or other communication by telephone or telegraph, or over telephone or telegraph facilities without the payment of charges therefor, or with the intent or for the
purpose of concealing or assisting another to conceal the existence or places of origin or of destination of any message, signal or other communication by telephone or telegraph, or over telephone or telegraph facilities; providing criminal penalties; and authorizing the seizure of any such instrument, apparatus, equipment, device, plans or instructions, and, following conviction, the destruction thereof as contraband.

Be it enacted by the Legislature of West Virginia:

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

Section 24-b. Making, Selling, Possessing, Transferring or Advertising for Sale a Device or Plans for a Device Designed to Obtain or Use Telephone or Telegraph Service or Facilities by False or Fraudulent Means; Penalty.—It shall be unlawful for any person knowingly to make, sell, offer or advertise for sale, possess, or give or otherwise transfer to another any instrument, apparatus, equipment, or device or plans or instructions for making or
assembling any instrument, apparatus, equipment, or device which has been designed, adapted, used, or employed with the intent or for the purpose of (1) obtaining telephone or telegraph service or the transmission of a message, signal or other communication by telephone or telegraph, or over telephone or telegraph facilities without the payment of charges therefor, or (2) concealing or assisting another to conceal from any supplier of telephone or telegraph service or from any person charged with the responsibility of enforcing this section, the existence or place of origin or of destination of any message, signal, or other communication by telephone or telegraph, or over telephone or telegraph facilities.

Any person who violates any provision of this section is guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail not exceeding twelve months, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment at the discretion of the court. Any such instrument, apparatus, equipment, or device, or plans or instructions therefor, may be seized by court order or under the war-
rant of a justice; and, upon the conviction of any person
owning same or having any interest therein for a vi-
olation of any provision of this section, which conviction
has become final, such instrument, apparatus, equipment,
device, plans or instructions shall be destroyed as con-
traband by the sheriff of the county in which such person
was convicted.
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.

Takes effect thirty days from Passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 8th day of February, 1965.

Governor