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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

ENROLLED

SENATE BILL NO. 114

(By Mr. McCourt Mr. President original sponsor)

PASSED MARCH 8, 1972

In Effect 90 DAYS FROM Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-28-72

114

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 114

(MR. McCOURT, Mr. President, *original sponsor*)

[Passed March 8, 1972; in effect ninety days from passage.]

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 eight, setting forth various prohibitions as to a molotov cocktail; defining the term "molotov cocktail"; establishing criminal offenses; and providing criminal penalties.

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 eight, to read as follows:

§61-3-8. Prohibitions as to molotov cocktails; penalty.

1 It shall be unlawful for any person to make, carry,
2 possess, sell, give or use any type of incendiary device,
3 commonly known as a molotov cocktail, which is hereby
4 defined to mean a makeshift incendiary bomb made of a
5 breakable container filled with flammable liquid and pro-
6 vided with a wick composed of any substance capable of
7 bringing a flame into contact with the liquid, but is not
8 intended to mean a device commercially manufactured
9 primarily for the purpose of illumination, or other such
10 use.S.

11 Any person who shall violate any provision of this sec-
12 tion shall be guilty of a felony, and, upon conviction
13 thereof, shall be confined in the penitentiary not less than
14 one year nor more than five years.

Enr. Com. Sub. for S. B. No. 114] 2

15 The possession, sale or control by a person or persons of
16 any such device or container containing flammable liquid
17 is prima facie evidence of a violation of this section.

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

Russell G. Beall
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Howard Robinson
Clerk of the Senate

U. Blankenship
Clerk of the House of Delegates

E. Hans McCourt
President of the Senate

Lewis F. W. Bennis
Speaker House of Delegates

The within approved this the 17th
day of March, 1972.

Arch A. Shaw Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/17/72

Time 1:00 p.m.