WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED

Com. sub. for
HOUSE BILL No. 881

(By Mr. Teets)

Passed April 11, 1981

In Effect Ninety Days From Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 881
(By Mr. Teets)

[Passed April 11, 1981; 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 fifty-one, relating to the regulation of certain purchases of precious metals and precious gems in this state; imposing record-keeping and reporting requirements upon purchasers thereof; prohibiting the disposal, alteration or removal from the state of said metals and gems for a ten-day period after purchase; giving definitions; 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 fifty-one, to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-51. Purchases of precious metals and precious gems by dealers; record-keeping requirements; submission of records to specified law-enforcement agencies; no alteration, removal from the state or resale within ten-day period; criminal penalties.

1 (a) Each person, firm or corporation in the business of
purchasing precious metals or precious gems, or both, for
any purpose other than personal, family or household use,
shall be subject to the provisions of this section. Each such
purchaser shall secure from the seller of the precious metal
or precious gem sufficient proof of lawful ownership or a
sworn affidavit of ownership, the original of which shall be
retained by the purchaser.

(b) Each such purchaser of a precious metal or precious
gem shall truly and accurately list each purchase in a perma-
nent record book clearly showing the kind, character and
amount of metal or gem purchased, any special or unique
quality or item of description concerning the metal or gem
purchased; the date of purchase, the full name and residence
address and mailing address of the seller, and any telephone
number of the seller. Such record book shall be open to
inspection by any law-enforcement officer in this state during
normal business hours of the purchaser. If any such purchase
is made within a municipality, the purchaser shall report all
the information required by this section in writing to the
chief of the police department of the municipality within
twenty-four hours of the purchase. If any such purchase is
made outside of a municipality, the purchaser shall report all
the information required by this section in writing to the
sheriff of the county wherein the purchase was made within
twenty-four hours of the purchase. The information required
by this section shall be preserved for a period of not less
than three years.

(c) Each such purchaser of a precious metal or precious
gem shall not, for a period of ten calendar days after the
purchase, dispose of such metal or gem, remove such metal
or gem from the state or alter in any way the form or sub-
stance of such metal or gem.

(d) As used in this section, “precious metal” means any
gold, silver, platinum or other valuable metal; and “precious
gem” means any diamond, pearl, emerald, ruby, sapphire or
similar precious stone.

(e) Any person, firm or corporation violating any provision
of this section shall be guilty of a felony, and, upon con-
viction thereof, shall be confined in the penitentiary not less than one nor more than two years, or, in the discretion of the court, be confined in jail not more than one year or shall be fined not less than one hundred dollars nor more than five thousand dollars, or both fined and so confined in either the penitentiary or jail, all in the discretion of the court.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the day of April, 1981.

Governor