

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time \_\_\_\_\_

ND: 881

# 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

2 purchasing precious metals or precious gems, or both, for  
3 any purpose other than personal, family or household use,  
4 shall be subject to the provisions of this section. Each such  
5 purchaser shall secure from the seller of the precious metal  
6 or precious gem sufficient proof of lawful ownership or a  
7 sworn affidavit of ownership, the original of which shall be  
8 retained by the purchaser.

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

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

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

38 (e) Any person, firm or corporation violating any provision  
39 of this section shall be guilty of a felony, and, upon con-

40 viction thereof, shall be confined in the penitentiary not less  
41 than one nor more than two years, or, in the discretion of  
42 the court, be confined in jail not more than one year or  
43 shall be fined not less than one hundred dollars nor more  
44 than five thousand dollars, or both fined and so confined in  
45 either the penitentiary or jail, all in the discretion of the  
46 court.

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

*R. P. Bayler*

Chairman Senate Committee

*Tony E. Whitlow*

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*Todd C. Willis*

Clerk of the Senate

*VA Blankenship*

Clerk of the House of Delegates

*Wm. R. Brown*

President of the Senate

*Walter G. Lee, Jr.*

Speaker House of Delegates

The within *is approved* this the *28*  
day of *April*, 1981.

*John D. Dyer*

Governor

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OFFICE  
SECY. OF STATE