

No. 555 ✓

RECEIVED

1985 APR 22 PM 6:24

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985

—•—

ENROLLED

Committee Substitute for
SENATE BILL NO. 555

(By Mr. Foran, Jr. President)

—•—

PASSED April 12 1985

In Effect ninety days from Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 555

(MR. TONKOVICH, MR. PRESIDENT, *original sponsor*)

(Originating in the Committee on the Judiciary.)

[Passed April 12, 1985; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven, article one, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to public libraries; willful retention of library property; providing criminal penalties; and liability of parents.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. PUBLIC LIBRARIES.

§10-1-11. Willful retention of library property.

1 Any person who willfully retains a book, newspaper,
2 plate, picture, photograph, engraving, painting, drawing,
3 map, magazine, document, letter, public record, microfilm,
4 sound recording, audio visual materials in any format,
5 magnetic or other tapes, artifacts or other documentary
6 (written or printed) materials, or all materials of any
7 kind whatsoever belonging to any public library for
8 thirty days after the mailing date of a written notice
9 demanding the return of said material and giving notice

10 of said violation, forwarded to that person's last known
11 address, is guilty of a misdemeanor, and, upon conviction
12 thereof, shall be fined not more than two hundred dollars:
13 *Provided*, That a date or dates designating a grace period
14 for the return of library materials to public libraries shall
15 be established, said dates to be established by the state
16 library commission pursuant to rules and regulations
17 promulgated thereto.

18 A conviction or payment of any fine shall not be con-
19 strued to constitute payment for library material, nor
20 shall a person convicted under this section be thereby
21 relieved of any obligation to return to the library such
22 material. Further, a conviction or payment of any fine
23 shall not be construed as a waiver of any nominal daily
24 fine which may be imposed by library rules, regulations
25 or policies.

26 The parent or guardian of a minor who willfully com-
27 mits any act prohibited by this section shall be liable for
28 all damages so caused by the minor up to the amount of
29 two thousand five hundred dollars, after the parent or
30 guardian is served with proper written notice as afore-
31 mentioned.

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

Brian P. Williams
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Edith C. Wills
Clerk of the Senate

Donald L. Hogg
Clerk of the House of Delegates

Sanford
President of the Senate

Joseph P. Wright
Speaker House of Delegates

The within approved this the 22nd
day of April, 1985.

Archie P. Thayer, Jr.
Governor

PRESENTED TO THE

GOVERNOR

Date 4/17/85

Time 4:09 p.m.