

#4798

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



# ENROLLED

*Com. Sub. for*  
**HOUSE BILL No. 4798**

(By Mr. *Delegate Moore* )



Passed *March 12,* 1988

In Effect *Ninety days from* Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 4798**  
(By DELEGATE MOORE)

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[Passed March 12, 1988; in effect ninety days from passage.]

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AN ACT to amend article six, 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-two, relating to crimes against the peace; wearing masks, hoods or face coverings; exceptions; and providing criminal penalty.

*Be it enacted by the Legislature of West Virginia:*

That article six, 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-two, to read as follows:

**ARTICLE 6. CRIMES AGAINST THE PEACE.**

**§61-6-22. Wearing masks, hoods or face coverings.**

1       (a) Except as otherwise provided in this section, no  
2 person, whether in a motor vehicle or otherwise, while  
3 wearing any mask, hood or device whereby any portion  
4 of the face is so covered as to conceal the identity of the  
5 wearer, may:

6       (1) Come into or appear upon any walk, alley, street,  
7 road, highway or other thoroughfare dedicated to public  
8 use;

9 (2) Come into or appear in any trading area, con-  
10 course, waiting room, lobby or foyer open to, used by or  
11 frequented by the general public;

12 (3) Come into or appear upon or within any of the  
13 grounds or buildings owned, leased, maintained or  
14 operated by the state or any political subdivision thereof;

15 (4) Ask, request, or demand entrance or admission to  
16 the premises, enclosure, dwelling or place of business of  
17 any other person within this state; or

18 (5) Attend or participate in any meeting upon private  
19 property of another unless written permission for such  
20 meeting has first been obtained from the owner or  
21 occupant thereof.

22 (b) The provisions of this section do not apply to any  
23 person:

24 (1) Under sixteen years of age;

25 (2) Wearing a traditional holiday costume;

26 (3) Engaged in a trade or employment where a mask,  
27 hood or device is worn for the purpose of ensuring the  
28 physical safety of the wearer;

29 (4) Using a mask, hood or device in theatrical  
30 productions, including use in mardi gras celebrations or  
31 similar masquerade balls;

32 (5) Wearing a mask, hood or device prescribed for  
33 civil defense drills, exercises or emergencies; or

34 (6) Wearing a mask, hood or device for the sole  
35 purpose of protection from the elements or while  
36 participating in a winter sport.

37 (c) Any person who violates any provision of this  
38 section is guilty of a misdemeanor, and, upon conviction  
39 thereof, shall be fined not more than five hundred  
40 dollars or imprisoned in the county jail not more than  
41 one year, or both fined and imprisoned.

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

*Bruce O. Williams*  
Chairman Senate Committee

*Bernard V. Kelley*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Jodd L. Miller*  
Clerk of the Senate

*Donald G. Kopp*  
Clerk of the House of Delegates

*Don Toussaint*  
President of the Senate

*[Signature]*  
Speaker of the House of Delegates

The within *approved* this the *28th*  
*March* day of \_\_\_\_\_, 1988.

*Archie P. Ray Jr.*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/88

Time 11:26 a.m.

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