

SB 457

FILED

2010 MAR 31 PM 4:49

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-NINTH LEGISLATURE**  
**REGULAR SESSION, 2010**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 457**

(SENATORS D. FACEMIRE, FOSTER AND  
KESSLER, *original sponsors*)

[Passed March 13, 2010; in effect ninety days from passage.]

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# Senate Bill No. 457

(SENATORS D. FACEMIRE, FOSTER AND KESSLER, *original sponsors*)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to repeal §61-1-6 of the Code of West Virginia, 1931, as amended; to repeal §61-2-17, §61-2-18, §61-2-19, §61-2-20, §61-2-21, §61-2-22, §61-2-23, §61-2-24 and §61-2-25 of said code; to repeal §61-6-16 of said code; to repeal §61-8-3, §61-8-4 and §61-8-15 of said code; to repeal §61-10-18, §61-10-25, §61-10-26, §61-10-27, §61-10-28 and §61-10-29 of said code; and to amend and reenact §61-1-7 of said code, repealing outmoded criminal sections of the code relating generally to the display of a red or black flag and the accompanying penalty; keeping doors of vehicles for hire locked while in motion; dueling; wearing hats in theaters; adultery and lewd cohabitation; conducting bucket shops; public swearing and drunkenness; engaging in certain work, labor or business activities on Sunday; and clarifying the penalty provision for unlawful speeches, publications and communications.

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

That §61-1-6 of the Code of West Virginia, 1931, as amended be repealed; that §61-2-17, §61-2-18, §61-2-19, §61-2-20, §61-2-21, §61-2-22, §61-2-23, §61-2-24 and §61-2-25 of said

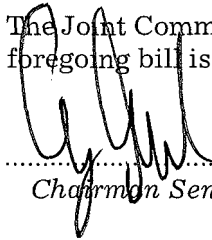
code be repealed; that §61-6-16 of said code be repealed; that §61-8-3, §61-8-4 and §61-8-15 of said code be repealed; that §61-10-18, §61-10-25, §61-10-26, §61-10-27, §61-10-28 and §61-10-29 be repealed; and that §61-1-7 of said code be amended and reenacted to read as follows:

**ARTICLE 1. CRIMES AGAINST THE GOVERNMENT.**

**§61-1-7. Penalty for unlawful speeches, publications and communications.**

1 Any person violating any of the provisions of section five  
2 of this article, shall, for the first offense, be guilty of a  
3 misdemeanor, and, upon conviction, shall be fined not less  
4 than \$100 nor more than \$500, or, in the discretion of the  
5 court, be confined in jail not exceeding twelve months, or  
6 both; and, for the second offense, shall be guilty of a  
7 felony, and, upon conviction shall be confined in a state  
8 correctional facility not less than one nor more than five  
9 years.

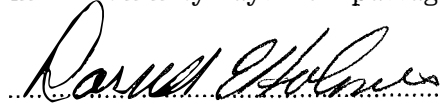
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

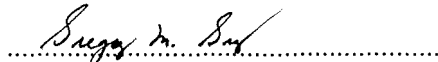
  
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Chairman Senate Committee

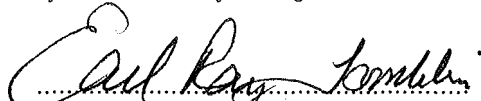
  
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Chairman House Committee


Originated in the Senate.

In effect ninety days from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *31<sup>st</sup>* .....  
Day of *March* ....., 2010.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 29 2010

Time 3:40 pm