

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**H. B. 2845**

(By Delegates Fleischauer, Rowe, Pasdon, Skinner, Morgan, Hartman,  
Boggs, Butler, Border, Canterbury and Folk)

[Introduced February 20, 2015; referred to the

Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.]

**FISCAL  
NOTE**

A BILL to amend and reenact §61-3-51 of the Code of West Virginia, 1931, as amended, relating to requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement authorities; and lessening the criminal penalty from a felony to a misdemeanor.

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

That §61-3-51 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 3. CRIMES AGAINST PROPERTY.**

**§61-3-51. Precious metals and gem dealers; records; prohibited acts.**

(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.

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

13 (c) Each purchaser of a precious metal or precious gem shall take digital photographs of each  
14 item of precious metal or gem. The photographs shall be of maximum quality and sufficient number  
15 so that a specific item of precious metal or gem is clearly distinguishable from another item of metal  
16 or gem of similar size, type and quality. The purchaser shall, in addition to keeping copies in his or  
17 her own files, electronically transmit the photographs to the local police department, the sheriff of  
18 the county where the transaction occurred and the State Police within twenty-four hours of the  
19 transaction.

20 ~~(c)~~ (d) Each such purchaser of a precious metal or precious gem ~~shall~~ may not, for a period  
21 of ten calendar days after the purchase, dispose of such metal or gem, remove such metal or gem  
22 from the state or alter in any way the form or substance of such metal or gem.

1           ~~(d)~~ (e) As used in this section, "precious metal" means any gold, silver, platinum or other  
2 valuable metal; and "precious gem" means any diamond, pearl, emerald, ruby, sapphire or similar  
3 precious stone.

4           ~~(e)~~ (f) Any person, firm or corporation violating any provision of this section ~~shall be~~ is guilty  
5 of a ~~felony~~ misdemeanor and, upon conviction thereof, ~~shall be confined in the penitentiary not less~~  
6 ~~than one nor more than two years, or, in the discretion of the court,~~ be confined in jail not more than  
7 one year or shall be fined not less than \$100 nor more than \$5,000, or both fined and ~~so~~ confined.  
8 ~~in either the penitentiary or jail, all in the discretion of the court.~~

NOTE: The purpose of this bill is to require persons who are in the business of purchasing precious metal and precious gems to photograph those purchases and to transmit the photographs to law-enforcement authorities. The bill also lessens the criminal penalty from a felony to a misdemeanor.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.