

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4466

**FISCAL
NOTE**

By Delegates Pritt, Clay, Brooks, and Holstein

[Introduced January 16, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §60-6-9 of the Code of West Virginia, 1931, as amended, relating to
2 making it a misdemeanor to being under the impairment of narcotics in public; and
3 providing for criminal penalties and education upon conviction thereof.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. MISCELLANEOUS PROVISIONS.

§60-6-9. Intoxication, or drinking or under impairment of narcotics in public places; illegal possession of alcoholic liquor; arrests by sheriffs or their deputies for violation in their presence; penalties.

1 (a) A person may not:
2 (1) Appear in a public place in an intoxicated condition;
3 (2) Appear in a public place under impairment of narcotics;
4 (2) (3) Drink alcoholic liquor in a public place;
5 (3) (4) Tender a drink of alcoholic liquor to another person in a public place;
6 (4) (5) Operate a business without a license issued under §60-1-1 *et seq.* of this code
7 which knowingly facilitates the consumption of alcoholic liquors in a public place by providing for
8 on-site items such as cups, glasses, ice, and nonalcoholic beverages used to mix with alcoholic
9 liquors, refrigeration, or on-site storage of alcoholic liquors in a lounge area or space for persons to
10 gather, perhaps offering musical entertainment, exotic dancing, or other such nude entertainment,
11 or other similar activity or entertainment. Such business may be commonly known as a "bring your
12 own bottle", "bring your own booze", or "BYOB" establishments;
13 (5) (6) Possess alcoholic liquor in the amount in excess of 10 gallons, in containers not
14 bearing stamps or seals of the commissioner, without having first obtained written authority from
15 the commissioner therefor; or
16 (6) (7) Possess any alcoholic liquor which was manufactured or acquired in violation of the
17 provisions of this chapter.

(b) Any law-enforcement officer may arrest without a warrant and take the following actions against a person who, in his or her presence, violates subdivision (1) or (2), subsection (a) of this section: (1) If there is some nonintoxicated person who will accept responsibility for the ~~intoxicated~~ person, the officer may issue the ~~intoxicated~~ person a citation specifying a date for appearance before a judicial officer and release him or her to the custody of the individual accepting responsibility: *Provided*, That the issuance of a citation shall be used whenever feasible; (2) if it does not impose an undue burden on the officer, he or she may, after issuance of a citation, transport the individual to the individual's present residence, or arrange for the transportation; (3) if the individual is incapacitated or the alternatives provided in subdivisions (1) and (2) of this subsection are not possible, the officer shall transport or arrange for transportation to the appropriate judicial officer; or (4) if the individual is incapacitated and, in the law-enforcement officer's judgment, is in need of acute medical attention, that officer shall arrange for transportation by ambulance or otherwise to a hospital emergency room. The officer shall accompany the individual until he or she is discharged from the emergency room or admitted to the hospital. If the individual is released from the emergency room, the officer may proceed as described in subdivisions (1), (2), and (3) of this subsection. If the individual is admitted to the hospital, the officer shall issue a citation to the individual specifying a date for appearance before a judicial officer.

36 (c) Upon presentment before the proper judicial officer, the law-enforcement officer serves
37 as the chief complaining witness. The judicial officer shall determine if there is probative evidence
38 that the individual may be guilty of the charge of public intoxication or appearing in a public place
39 under impairment of narcotics. If such evidence is not presented, the charge shall be dismissed
40 and the individual released. If sufficient evidence is presented, the judicial officer shall issue a
41 warrant and establish bail or issue a summons to the individual. Once a warrant or summons has
42 been issued, the following actions may be taken:

43 (1) If the individual is no longer incapacitated, he or she may be released;

44 (2) If the individual is still incapacitated but a nonintoxicated person or a person not under
45 the influence of narcotics is available to accept responsibility for him or her, he or she may be
46 released to the responsible person; or

47 (3) If the individual is still incapacitated and no responsible person is available, the judicial
48 officer shall proceed under §27-5-1 *et seq.* and §27-6A-1 *et seq.* of this code.

49 (d) Any law-enforcement officer may arrest and hold in custody, without a warrant, until
50 complaint may be made before a judicial officer and a warrant or summons issued, any person
51 who in the presence of the law-enforcement officer violates any one or more of subdivisions (1)
52 through (6) (7), subsection (a) of this section: *Provided*, That the law-enforcement officer may use
53 reasonable force to prevent harm to himself or herself, the individual arrested, or others in carrying
54 out the provisions of this section.

55 (e) Any person who violates subdivision (1) or subdivision (2), subsection (a) of this section
56 is guilty of a misdemeanor and, upon conviction thereof, shall be sentenced by a judicial officer in
57 accordance with the following options:

58 (1) Upon first offense, a fine of not less than \$5 nor more than \$100. If the individual, prior
59 to conviction, agrees to voluntarily attend an alcohol education or drug abuse education program
60 of not more than six hours' duration at the nearest community mental health — mental retardation
61 center, the judicial officer may delay sentencing until the program is completed and upon
62 completion may dismiss the charges;

63 (2) Upon conviction for a second offense, a fine of not less than \$5 nor more than \$100 and
64 not more than 60 days in jail or completion of not less than five hours of alcoholism counseling or, if
65 under the influence of narcotics, drug abuse counseling at the nearest community mental health —
66 mental retardation center;

67 (3) Upon third and subsequent convictions, a fine of not less than \$5 nor more than \$100
68 and not less than five nor more than 60 days in jail or a fine of not less than \$5 nor more than \$100
69 and completion of not less than five hours of alcoholism counseling or, if under the influence of

70 narcotics, drug abuse counseling at the nearest community mental health — mental retardation
71 center: *Provided*, That three convictions for public intoxication or appearing in public under the
72 influence of narcotics within the preceding six months is considered evidence of alcoholism or
73 drug addiction. For the educational counseling programs described in this subsection the
74 community mental health — mental retardation center may charge each participant its usual and
75 customary fee and shall certify in writing to the referring judicial officer the completion or failure to
76 complete the prescribed program for each individual.

77 (f) A person charged with a violation of subdivision (1), or subdivision (2), subsection (a) of
78 this section who is an alcoholic or drug addict shall be found not guilty by reason of addiction and
79 proper disposition made pursuant to §27-5-1 *et seq.* and §27-6A-1 *et seq.* of this code.

80 (g) Any person who violates subdivision (2), (3), subsection (a) of this section is guilty of a
81 misdemeanor and, upon conviction thereof, shall be fined not less than \$5 nor more than \$100;
82 and upon a second or subsequent conviction thereof, shall be fined not less than \$5 nor more than
83 \$100, or confined in jail not more than 60 days, or both.

84 (h) Any person who violates subdivision (3), (4) or subdivision (4) (5) subsection (a) of this
85 section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$5 nor
86 more than \$100, or confined in jail not more than 60 days, or both.

87 (i) Any person who violates subdivision (5)-(6) or (6) (7), subsection (a) of this section is
88 guilty of
89 a misdemeanor and, upon his or her first conviction, shall be fined not less than \$100 nor more
90 than \$500; and upon conviction of second or subsequent offense, he or she is guilty of a felony
91 and, shall be confined in a state correctional facility for a period of not less than one year nor more
92 than three years.

NOTE: The purpose of this bill is to make it a misdemeanor to being under the impairment
of narcotics in public; and providing for criminal penalties and education upon conviction
thereof.

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