

Senate Bill No. 359

(By Senators Yost and Kessler (Mr. President))

[Introduced January 20, 2012; referred to the Committee on the
Judiciary.]

**FISCAL
NOTE**

10 A BILL to amend and reenact §61-3-51 of the Code of West Virginia,
11 1931, as amended, relating to requiring sellers of precious
12 metals and gems to provide photo identification to dealers;
13 requiring the dealers to submit this information to the State
14 Police; requiring the State Police to create a database of the
15 transactions that is accessible to all law-enforcement
16 agencies; and establishing criminal penalties.

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

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

20 **ARTICLE 3. CRIMES AGAINST PROPERTY.**

21 **§61-3-51. Precious metals and gem dealers; records; prohibited**
22 **acts.**

23 (a) Each person, firm or corporation in the business of
24 purchasing precious metals or precious gems, or both, for any
25 purpose other than personal, family or household use, ~~shall be~~ is
26 subject to the provisions of this section. Each such purchaser

1 shall secure from the seller of the precious metal or precious gem
2 photo identification, and sufficient proof of lawful ownership or
3 a sworn affidavit of ownership, the original of which shall be
4 retained by the purchaser.

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

24 (c) A dealer shall submit the required information from each
25 transaction electronically to the State Police by noon of the next
26 business day.

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

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

10 (f) The State Police shall create a database of the
11 information required by this section that is accessible to all law-
12 enforcement agencies of this country.

13 ~~(e)~~ (g) Any person, firm or corporation violating ~~any~~
14 ~~provision~~ subsections (a), (b), (c) or (d) of this section ~~shall~~
15 ~~be~~ is guilty of a felony and, upon conviction thereof, shall be
16 ~~confined~~ imprisoned ~~in the penitentiary~~ a correctional facility not
17 less than one nor more than two years, or, in the discretion of the
18 court, be confined in jail not more than one year or shall be fined
19 not less than \$100 nor more than \$5,000, or both fined and ~~so~~
20 imprisoned or ~~confined in either the penitentiary or jail,~~ all in
21 the discretion of the court.

NOTE: The purpose of this bill is to require sellers of precious metals and gems to provide photo identification to dealers. The bill requires the dealers to submit this information to the State Police. The bill also requires the State Police to create a database of the transactions that is accessible to all law-enforcement agencies. The creates criminal penalties.

Strike-throughs indicate language that would be stricken from

the present law, and underscoring indicates new language that would be added.