

**Senate Bill No. 139**

(By Senator Yost)

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[Introduced February 13, 2013; referred to the Committee on the  
Judiciary.]  
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**FISCAL  
NOTE**

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

*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**

1                   **acts.**

2           (a) Each person, firm or corporation in the business of  
3 purchasing precious metals or precious gems, or both, for any  
4 purpose other than personal, family or household use, ~~shall be~~ is  
5 subject to the provisions of this section. Each such purchaser  
6 shall secure from the seller of the precious metal or precious gem  
7 photo identification, and sufficient proof of lawful ownership or  
8 a sworn affidavit of ownership, the original of which shall be  
9 retained by the purchaser.

10          (b) Each such purchaser of a precious metal or precious gem  
11 shall truly and accurately list each purchase in a permanent record  
12 book clearly showing the kind, character and amount of metal or gem  
13 purchased, any special or unique quality or item of description  
14 concerning the metal or gem purchased; the date of purchase, the  
15 full name and residence address and mailing address of the seller,  
16 ~~and any~~ telephone number of the seller ~~Such~~ and a copy of the photo  
17 identification. The record book shall be open to inspection by any  
18 law-enforcement officer in this state during normal business hours  
19 of the purchaser. ~~If any such purchase is made within a~~  
20 ~~municipality, the purchaser shall report all the information~~  
21 ~~required by this section in writing to the chief of the police~~  
22 ~~department of the municipality within twenty-four hours of the~~  
23 ~~purchase. If any such purchase is made outside of a municipality,~~

1 ~~the purchaser shall report all the information required by this~~  
2 ~~section in writing to the sheriff of the county wherein the~~  
3 ~~purchase was made within twenty-four hours of the purchase.~~ The  
4 information required by this section shall be preserved for a  
5 period of not less than three years.

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

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

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

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

21 ~~(e)~~ (g) Any person, firm or corporation violating ~~any~~  
22 ~~provision~~ subsections (a), (b), (c) or (d) of this section ~~shall be~~  
23 is guilty of a felony and, upon conviction thereof, shall be

1 ~~confined~~ imprisoned in ~~the penitentiary~~ a correctional facility not  
2 less than one nor more than two years, or, in the discretion of the  
3 court, be confined in jail not more than one year or shall be fined  
4 not less than \$100 nor more than \$5,000, or both fined and ~~so~~  
5 imprisoned or ~~confined in either the penitentiary or jail~~, all in  
6 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 information on precious metal transactions 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 bill also creates criminal penalties.

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