

1 **H. B. 4602**

2
3 (By Delegates Barill, Marshall, Fleischauer,
4 Wells, Pino and Sobonya.)

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6 [Introduced February 17, 2014; referred to the
7 Committee on the Judiciary.]

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10 A BILL to amend and reenact §60-7-10 of the Code of West Virginia,
11 1931, as amended, relating to the powers and authority of
12 state and local law enforcement to enforce underage drinking
13 laws at private clubs; clarifying that the grant of authority
14 to the Alcohol Beverage Control Commissioner and his or her
15 agents to enter and inspect the premises of a private club
16 shall in no way limit or restrict the authority of local law
17 enforcement to enter any public area on or adjacent to any
18 private club or taking other appropriate police action or
19 investigation to enforce the underage drinking laws of this
20 state.

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

22 That §60-7-10 of the Code of West Virginia, 1931, as amended,
23 be amended and reenacted to read as follows:

24 **§60-7-10. Duties and powers of commissioner.**

25 The commissioner is hereby authorized:

26 (a) To enforce the provisions of this article.

27 (b) To enter the premises of any licensee at reasonable times
28 for the purpose of inspecting the same, and determining the

1 compliance of said licensee with the provisions of this article and
2 any rules and regulations promulgated by the commissioner pursuant
3 to the provisions of this article.

4 (c) To promulgate such reasonable rules and regulations as may
5 be necessary for the execution and enforcement of the provisions of
6 this article, which may include, but shall not be limited to, the
7 hours during which licensees may sell alcoholic liquors, and the
8 use, handling, service and sale of such alcoholic liquors. Such
9 rules and regulations shall be promulgated in accordance with the
10 provisions of article three, chapter twenty-nine-a of the code in
11 like manner as if said article three of said chapter twenty-nine-a
12 were set forth in extenso in this subdivision.

13 (d) To issue subpoenas and subpoenas duces tecum for the
14 purposes of conducting hearings under the provisions of section
15 thirteen of this article, which subpoenas and subpoenas duces tecum
16 shall be issued in the time, for the fees, and shall be enforced in
17 the manner specified in section one, article five, chapter
18 twenty-nine-a of this code with like effect as if said section one
19 were set forth in extenso in this subdivision.

20 (e) The authority granted in subdivisions (a), (b), and (d) of
21 this section may also be exercised by the duly authorized agents of
22 the commissioner.

23 (f) The grant of authority to the Commissioner and his or her
24 agents under this section shall in no way limit or restrict the
25 authority of state or local law enforcement officers to enter any
26 public area on or adjacent to any private club or undertaking
27 other appropriate action or investigation to enforce the underage
28 drinking laws set forth in section twelve-a of this article.

NOTE: The purpose of this bill is to reaffirm the legal right and authority of state or local law enforcement to enter public areas on or adjacent to any private club, or take other appropriate police action to enforce the underage drinking laws or any other laws of this state.

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