

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 387**

4 (By Senators Unger, Snyder, Nohe, Yost and Williams)

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6 [Originating in the Committee on the Judiciary;  
7 reported February 23, 2011.]  
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11 A BILL to amend the Code of West Virginia, 1931, as amended, by  
12 adding thereto a new section, designated §15-2-25c, relating  
13 to allowing retired officers to carry a concealed weapon in  
14 accordance with federal law; directing the Superintendent of  
15 the State Police to create a firearms course; and establishing  
16 a fee for said course.

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

18 That the Code of West Virginia, 1931, as amended, be amended  
19 by adding thereto a new section, designated §15-2-25c, to read as  
20 follows:

21 **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

22 **§15-2-25c. Rules generally; retired qualified law-enforcement**  
23 **officers carrying concealed weapons upon**  
24 **retirement.**

25 (a) For purposes of this section, unless the context otherwise  
26 indicates:

27 (1) "Qualified retired law-enforcement officer" means an  
28 individual who:

1 (A) Retired in good standing from service with a public agency  
2 as a law-enforcement officer, other than for reasons of mental  
3 instability;

4 (B) Before such retirement, was authorized by a law to engage  
5 in or supervise the prevention, detection, investigation, or  
6 prosecution of, or the incarceration of any person for, any  
7 violation of law, and had statutory powers of arrest;

8 (C) (i) Before such retirement, was regularly employed as a  
9 law-enforcement officer for an aggregate of fifteen years or more;  
10 or

11 (ii) Retired from service with such agency, after completing  
12 any applicable probationary period of such service, due to a  
13 service-connected disability, as determined by such agency;

14 (D) Has a nonforfeitable right to benefits under the  
15 retirement plan of the agency;

16 (E) During the most recent twelve-month period , has met, at  
17 the expenses of the individual, the State's standards for training  
18 and qualification for active law-enforcement officers to carry  
19 firearms;

20 (F) Is not under the influence of alcohol or another  
21 intoxicating or hallucinatory drug or substance; and

22 (G) Is not prohibited by Federal law from possessing a  
23 firearm.

24 (2) "Firearm" does not include any machine gun, any firearm  
25 silencer and destructive device as defined in the Federal "Law  
26 Enforcement Officers Safety Act of 2004."

27 (b) Qualified retired law-enforcement officers shall be  
28 permitted to carry firearms and weapons and no license may be

1 required for the privilege.

2 (c) Any qualified retired law-enforcement officer is  
3 authorized by state law to carry a concealed firearm that has been  
4 shipped or transported in interstate or foreign commerce pursuant  
5 to the federal Law-Enforcement Officers Safety Act of 2004.

6 (d) The Superintendent of the West Virginia State Police will  
7 create and administer a "Retired Carry Course" that qualified  
8 law-enforcement officers are required to take every year for a fee  
9 of \$25 to receive a valid ID to carry a concealed firearm in  
10 accordance with federal law.