



1 the license, and shall pay to the sheriff, at the time of  
2 application, a fee of \$75, of which \$15 of that amount shall be  
3 deposited in the Courthouse Facilities Improvement Fund created by  
4 section six, article twenty-six, chapter twenty-nine of this code.  
5 Concealed weapons permits may only be issued for pistols or  
6 revolvers. Each applicant shall file with the sheriff, a complete  
7 application, as prepared by the Superintendent of the West Virginia  
8 State Police, in writing, duly verified, which sets forth only the  
9 following licensing requirements:

10 (1) The applicant's full name, date of birth, social security  
11 number and a description of the applicant's physical features;

12 (2) That, on the date the application is made, the applicant  
13 is a bona fide resident of this state and of the county in which  
14 the application is made and has a valid driver's license or other  
15 state-issued photo identification showing the residence;

16 (3) That the applicant is twenty-one years of age or older:  
17 *Provided*, That any individual who is less than twenty-one years of  
18 age and possesses a properly issued concealed weapons license as of  
19 the effective date of this article shall be licensed to maintain  
20 his or her concealed weapons license notwithstanding the provisions  
21 of this section requiring new applicants to be at least twenty-one  
22 years of age: *Provided, however*, That upon a showing of any  
23 applicant who is eighteen years of age or older that he or she is

1 required to carry a concealed weapon as a condition for employment,  
2 and presents satisfactory proof to the sheriff thereof, then he or  
3 she shall be issued a license upon meeting all other conditions of  
4 this section. Upon discontinuance of employment that requires the  
5 concealed weapons license, if the individual issued the license is  
6 not yet twenty-one years of age, then the individual issued the  
7 license is no longer eligible and must return his or her license to  
8 the issuing sheriff;

9 (4) That the applicant is not addicted to alcohol, a  
10 controlled substance or a drug and is not an unlawful user thereof;

11 (5) That the applicant has not been convicted of a felony or  
12 of an act of violence involving the misuse of a deadly weapon;

13 (6) That the applicant has not been convicted of a  
14 misdemeanor offense of assault or battery either under the  
15 provisions of section twenty-eight, article two of this chapter or  
16 the provisions of subsection (b) or (c), section nine, article two  
17 of this chapter in which the victim was a current or former spouse,  
18 current or former sexual or intimate partner, person with whom the  
19 defendant has a child in common, person with whom the defendant  
20 cohabits or has cohabited, a parent or guardian, the defendant's  
21 child or ward or a member of the defendant's household at the time  
22 of the offense; or a misdemeanor offense with similar essential  
23 elements in a jurisdiction other than this state;

1           (7) That the applicant is not under indictment for a felony  
2 offense or is not currently serving a sentence of confinement,  
3 parole, probation or other court-ordered supervision imposed by a  
4 court of any jurisdiction or is the subject of an emergency or  
5 temporary domestic violence protective order or is the subject of  
6 a final domestic violence protective order entered by a court of  
7 any jurisdiction;

8           (8) That the applicant is physically and mentally competent to  
9 carry the weapon;

10          (9) That the applicant has not been adjudicated to be mentally  
11 incompetent;

12          (10) That the applicant has qualified under the minimum  
13 requirements set forth in subsection (d) of this section for  
14 handling and firing the weapon: *Provided*, That this requirement  
15 shall be waived in the case of a renewal applicant who has  
16 previously qualified;

17          (11) That the applicant authorizes the sheriff of the county,  
18 or his or her designee, to conduct an investigation relative to the  
19 information contained in the application.

20          (b) The sheriff shall conduct an investigation including a  
21 nationwide criminal background check, in order to verify that the  
22 information required in subdivisions (1), (2), (3), (5), (6), (8)  
23 and (9), subsection (a) of this section is true and correct.

1           (c) Sixty dollars of the application fee and any fees for  
2 replacement of lost or stolen licenses received by the sheriff  
3 shall be deposited by the sheriff into a concealed weapons license  
4 administration fund. The fund shall be administered by the sheriff  
5 and shall take the form of an interest bearing account with any  
6 interest earned to be compounded to the fund. Any funds deposited  
7 in this concealed weapon license administration fund are to be  
8 expended by the sheriff to pay for the costs associated with  
9 issuing concealed weapons licenses. Any surplus in the fund on  
10 hand at the end of each fiscal year may be expended for other law-  
11 enforcement purposes or operating needs of the sheriff's office, as  
12 the sheriff may consider appropriate.

13           (d) All persons applying for a license must complete a  
14 training course in handling and firing a handgun. The successful  
15 completion of any of the following courses fulfills this training  
16 requirement:

17           (1) ~~Any~~ The official National Rifle Association ~~handgun safety~~  
18 ~~or training~~ Basic Pistol Shooting course;

19           (2) Any handgun safety or training course or class available  
20 to the general public offered by an official law-enforcement  
21 organization, ~~community college, junior college, college or private~~  
22 or public institution or organization or handgun training school  
23 utilizing instructors duly certified by the institution and which

1 offers, at a minimum, a total of eight hours of instruction and  
2 firing of at least fifty rounds into a nine-inch target at a  
3 distance of fifteen feet;

4 (3) Any handgun training or safety course or class conducted  
5 by a handgun instructor certified as such by the state or by the  
6 National Rifle Association;

7 (4) ~~Any handgun~~ Handgun training or safety ~~course or class~~  
8 courses of classes conducted for qualification by ~~any~~ a branch of  
9 the United States Military, Reserve or National Guard.

10 A photocopy of a certificate of completion of any of the  
11 courses or classes or an affidavit from the instructor, school,  
12 club, organization or group that conducted or taught said course or  
13 class attesting to the successful completion of the course or class  
14 by the applicant or a copy of any document which shows successful  
15 completion of the course or class shall constitute evidence of  
16 qualification under this section.

17 (e) All concealed weapons license applications must be  
18 notarized by a notary public duly licensed under article four,  
19 chapter twenty-nine of this code. Falsification of any portion of  
20 the application constitutes false swearing and is punishable under  
21 the provisions of section two, article five, chapter sixty-one of  
22 this code.

23 (f) If the information in the application is found to be true

1 and correct, the sheriff shall issue a license. The sheriff shall  
2 issue, reissue or deny the license within forty-five days after the  
3 application is filed if all required background checks authorized  
4 by this section are completed.

5 (g) Before any approved license shall be issued or become  
6 effective, the applicant shall pay to the sheriff a fee in the  
7 amount of \$15 which the sheriff shall forward to the Superintendent  
8 of the West Virginia State Police within thirty days of receipt.  
9 The license shall be valid for five years throughout the state,  
10 unless sooner revoked.

11 (h) All persons holding a current and valid concealed weapons  
12 license as of December 16, 1995, shall continue to hold a valid  
13 concealed weapons license until his or her license expires or is  
14 revoked as provided in this article: *Provided*, That all  
15 reapplication fees shall be waived for applications received by  
16 January 1, 1997, for any person holding a current and valid  
17 concealed weapons license as of December 16, 1995, which contains  
18 use restrictions placed upon the license as a condition of issuance  
19 by the issuing circuit court. Any licenses reissued pursuant to  
20 this subsection will be issued for the time period of the original  
21 license.

22 (i) Each license shall contain the full name and address of  
23 the licensee and a space upon which the signature of the licensee

1 shall be signed with pen and ink. The issuing sheriff shall sign  
2 and attach his or her seal to all license cards. The sheriff shall  
3 provide to each new licensee a duplicate license card, in size  
4 similar to other state identification cards and licenses, suitable  
5 for carrying in a wallet, and the license card is considered a  
6 license for the purposes of this section.

7 (j) The Superintendent of the West Virginia State Police shall  
8 prepare uniform applications for licenses and license cards showing  
9 that the license has been granted and shall do any other act  
10 required to be done to protect the state and see to the enforcement  
11 of this section.

12 (k) If an application is denied, the specific reasons for the  
13 denial shall be stated by the sheriff denying the application. Any  
14 person denied a license may file, in the circuit court of the  
15 county in which the application was made, a petition seeking review  
16 of the denial. The petition shall be filed within thirty days of  
17 the denial. The court shall then determine whether the applicant  
18 is entitled to the issuance of a license under the criteria set  
19 forth in this section. The applicant may be represented by  
20 counsel, but in no case may the court be required to appoint  
21 counsel for an applicant. The final order of the court shall  
22 include the court's findings of fact and conclusions of law. If  
23 the final order upholds the denial, the applicant may file an



1 appeal in accordance with the Rules of Appellate Procedure of the  
2 Supreme Court of Appeals.

3 (l) If a license is lost or destroyed, the person to whom the  
4 license was issued may obtain a duplicate or substitute license for  
5 a fee of \$5 by filing a notarized statement with the sheriff  
6 indicating that the license has been lost or destroyed.

7 (m) The sheriff shall, immediately after the license is  
8 granted as aforesaid, furnish the Superintendent of the West  
9 Virginia State Police a certified copy of the approved application.  
10 The sheriff shall furnish to the Superintendent of the West  
11 Virginia State Police at any time so requested a certified list of  
12 all licenses issued in the county. The Superintendent of the West  
13 Virginia State Police shall maintain a registry of all persons who  
14 have been issued concealed weapons licenses.

15 (n) All licensees must carry with them a state-issued photo  
16 identification card with the concealed weapons license whenever the  
17 licensee is carrying a concealed weapon. Any licensee who fails to  
18 have in his or her possession a state-issued photo identification  
19 card and a current concealed weapons license while carrying a  
20 concealed weapon is guilty of a misdemeanor and, upon conviction  
21 thereof, shall be fined not less than \$50 or more than \$200 for  
22 each offense.

23 (o) The sheriff shall deny any application or revoke any

1 existing license upon determination that any of the licensing  
2 application requirements established in this section have been  
3 violated by the licensee.

4 (p) A person who is engaged in the receipt, review or in the  
5 issuance or revocation of a concealed weapon license does not incur  
6 any civil liability as the result of the lawful performance of his  
7 or her duties under this article.

8 (q) Notwithstanding the provisions of subsection (a) of this  
9 section, with respect to application by a former law-enforcement  
10 officer honorably retired from agencies governed by article  
11 fourteen, chapter seven of this code; article fourteen, chapter  
12 eight of this code; article two, chapter fifteen of this code; and  
13 article seven, chapter twenty of this code, an honorably retired  
14 officer is exempt from payment of fees and costs as otherwise  
15 required by this section, and the application of the honorably  
16 retired officer shall be granted without proof or inquiry by the  
17 sheriff as to those requirements set forth in subdivision (9),  
18 subsection (a) of this section, if the officer meets the remainder  
19 of the requirements of this section and has the approval of the  
20 appropriate chief law-enforcement officer.

21 (r) Except as restricted or prohibited by the provisions of  
22 this article or as otherwise prohibited by law, the issuance of a  
23 concealed weapon permit issued in accordance with the provisions of

1 this section authorizes the holder of the permit to carry a  
2 concealed pistol or revolver on the lands or waters of this state.

NOTE: The purpose of this bill is provide a minimum number of training hours required prior to obtaining a permit to carry a deadly weapon. The changes also make technical corrections to the statute.

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