

Adopted by House 4-11-2013

SB369 H JUD AM 4-10 #1

The Committee on the Judiciary moves to amend the bill on page one, following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following language:

1 **"ARTICLE 7. DANGEROUS WEAPONS.**

2 **§61-7-6. Exceptions as to prohibitions against carrying concealed**
3 **handguns; exemptions from licensing fees.**

4 (a) The licensure provisions set forth in this article do not
5 apply to:

6 (1) Any person:

7 (A) Carrying a deadly weapon upon his or her own premises; ~~nor~~
8 ~~shall anything herein prevent a person from~~

9 (B) Carrying ~~any~~ a firearm, unloaded, from the place of
10 purchase to his or her home, residence or place of business or to
11 a place of repair and back to his or her home, residence or place
12 of business; ~~nor shall anything herein prohibit a person or~~

13 (C) ~~from~~ Possessing a firearm while hunting in a lawful manner
14 or while traveling from his or her home, residence or place of
15 business to a hunting site and returning to his or her home,
16 residence or place of business;

17 (2) Any person who is a member of a properly organized
18 target-shooting club authorized by law to obtain firearms by
19 purchase or requisition from this state or from the United States

1 for the purpose of target practice from carrying any pistol, as
2 defined in this article, unloaded, from his or her home, residence
3 or place of business to a place of target practice and from any
4 place of target practice back to his or her home, residence or
5 place of business, for using any such weapon at a place of target
6 practice in training and improving his or her skill in the use of
7 the weapons;

8 (3) Any law-enforcement officer or law-enforcement official as
9 defined in section one, article twenty-nine, chapter thirty of this
10 code;

11 (4) Any employee of the West Virginia Division of Corrections
12 duly appointed pursuant to the provisions of section ~~five~~ eleven-c,
13 article ~~five~~ one, chapter ~~twenty-five~~ twenty-eight of ~~this code~~
14 while the employee is on duty;

15 (5) Any member of the armed forces of the United States or the
16 militia of this state while the member is on duty;

17 ~~(6) Any circuit judge, including any retired circuit judge~~
18 ~~designated senior status by the Supreme Court of Appeals of West~~
19 ~~Virginia, prosecuting attorney, assistant prosecuting attorney or~~
20 ~~a duly appointed investigator employed by a prosecuting attorney;~~

21 ~~(7)~~ (6) Any resident of another state who holds a valid permit
22 or license to possess or carry a concealed weapon handgun issued by
23 a state or a political subdivision ~~which has entered into a~~
24 ~~reciprocity agreement with this state,~~ subject to the provisions

1 and limitations set forth in section six-a of this article;

2 ~~(8)~~(7) Any federal law-enforcement officer or federal police
3 officer authorized to carry a weapon in the performance of the
4 officer's duty; ~~and~~

5 ~~(9)~~(8) Any Hatfield-McCoy Regional Recreation Authority Ranger
6 while the ranger is on duty; and

7 (9) Any parole officer appointed pursuant to section fourteen
8 article twelve, chapter sixty-two of this code in the performance
9 of their duties.

10 (b) On and after July 1, 2013, the following judicial officers
11 and prosecutors and staff shall be exempted from paying any
12 application fees or licensure fees required under this article.
13 However, on and after that same date, they shall be required to
14 make application and satisfy all licensure and handgun safety and
15 training requirements set forth in section four of this article
16 before carrying a concealed handgun in this state:

17 (1) Any justice of the Supreme Court of Appeals of West
18 Virginia;

19 (2) Any circuit judge;

20 (3) Any retired justice or retired circuit judge designated
21 senior status by the Supreme Court of Appeals of West Virginia;

22 (4) Any family court judge;

23 (5) Any magistrate;

24 (6) Any prosecuting attorney;

1 (7) Any assistant prosecuting attorney; or

2 (8) Any duly appointed investigator employed by a prosecuting
3 attorney.

4 **§61-7-6a. Reciprocity and recognition; out-of-state concealed**
5 **handgun permits.**

6 (a) A ~~holder of a~~ valid out-of-state permit or license to
7 possess or carry a ~~concealed~~ handgun ~~as issued by another state~~
8 ~~with which the State of West Virginia has executed a reciprocity~~
9 ~~agreement shall be recognized as~~ is valid in this state for the
10 carrying of a concealed handgun, if the following conditions are

11 met:

12 (1) The permit or license holder is twenty-one years of age or
13 older;

14 (2) The permit or license is in his or her immediate
15 possession;

16 (3) The permit or license holder is not a resident of the
17 State of West Virginia; and

18 (4) ~~The State of West Virginia has executed a valid and~~
19 ~~effective reciprocity agreement with the issuing state pertaining~~
20 ~~to the carrying and verification of concealed handgun licenses and~~
21 ~~permits issued in the respective states.~~ The Attorney General has
22 been notified by the Governor of the other state that the other
23 state allows residents of West Virginia who are licensed in West
24 Virginia to carry a concealed handgun to carry a concealed handgun

1 in that state or the Attorney General has entered into a written
2 reciprocity agreement with the appropriate official of the other
3 state whereby the state agrees to honor West Virginia concealed
4 handgun licenses in return for same treatment in this state.

5 (b) A holder of a valid permit or license from another state
6 who is authorized to carry a concealed handgun in this state
7 pursuant to provisions of this section is subject to the same laws
8 and restrictions with respect to carrying a concealed handgun as a
9 resident of West Virginia who is so permitted, and must carry the
10 concealed handgun in compliance with the laws of this state.

11 (c) A license or permit from another state is not valid in
12 this state if the holder is or becomes prohibited by law from
13 possessing a firearm.

14 (d) The West Virginia Attorney General shall seek to obtain
15 recognition of West Virginia concealed handgun licenses and enter
16 into and ~~may~~ execute reciprocity agreements on behalf of the State
17 of West Virginia with states ~~which meet the following standards and~~
18 ~~requirements:~~

19 ~~(1) The standards applied by the other state before issuing a~~
20 ~~concealed handgun license or permit must be similar to or greater~~
21 ~~than the standards imposed by this article;~~

22 ~~(2) This state's law enforcement officers have continuous~~
23 ~~access to databases on the criminal information network,~~
24 ~~eighty-four hours per day, seven days per week, to verify the~~

1 ~~continued validity of any license or permit to carry a concealed~~
2 ~~handgun that has been granted by the issuing state;~~

3 ~~(3) The other state agrees to grant the right to carry a~~
4 ~~concealed handgun to residents of West Virginia who have valid~~
5 ~~concealed handgun permits issued pursuant to this article in their~~
6 ~~possession while carrying concealed weapons in that state; and~~

7 ~~(4) The states agree to apprise one another of changes in~~
8 ~~permitting standards and requirements, to provide for a prompt~~
9 ~~reexamination of whether any adopted change in licensing or~~
10 ~~permitting standards negates the states' ability to continue with~~
11 ~~the reciprocity agreement. for the recognition of concealed handgun~~
12 ~~permits issued pursuant to this article.~~

13 (e) The West Virginia State Police shall maintain a registry
14 of states with which the State of West Virginia has entered into
15 reciprocity agreements or which recognize West Virginia concealed
16 handgun licenses on the criminal information network and make the
17 registry available to law-enforcement officers for investigative
18 purposes.

19 (f) Every twelve months after the effective date of this
20 section, the West Virginia Attorney General shall make written
21 inquiry of the concealed handgun licensing or permitting
22 authorities in each other state as to: (i) Whether a West Virginia
23 resident may carry a concealed handgun in their state based upon
24 having a valid West Virginia concealed handgun permit; and (ii)

1 whether a West Virginia resident may carry a concealed handgun in
2 that state based upon having a valid West Virginia concealed
3 handgun permit, pursuant to the laws of that state or by the
4 execution of a valid reciprocity agreement between the states.

5 (g) The West Virginia State Police shall make available to the
6 public a list of states which have entered into reciprocity
7 agreements with the State of West Virginia or that allow residents
8 of West Virginia who are licensed in West Virginia to carry a
9 concealed handgun to carry a concealed handgun in that state.