

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

8 (1) The applicant's full name, date of birth, Social Security
9 number, a description of the applicant's physical features, the
10 applicant's place of birth, the applicant's country of citizenship
11 and, if the applicant is not a United States citizen, any alien or
12 admission number issued by the United States Bureau of Immigration
13 and Customs enforcement, and any basis, if applicable, for an
14 exception to the prohibitions of 18 U. S. C. §922(g)(5)(B);

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

19 (3) That the applicant is twenty-one years of age or older:
20 *Provided*, That any individual who is less than twenty-one years of
21 age and possesses a properly issued concealed weapons license as of
22 the effective date of this article shall be licensed to maintain
23 his or her concealed weapons license notwithstanding the provisions
24 of this section requiring new applicants to be at least twenty-one
25 years of age: *Provided, however*, That upon a showing of any
26 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 as evidenced by either of the following within the three years
12 immediately prior to the application:

13 (A) Residential or court-ordered treatment for alcoholism or
14 alcohol detoxification or drug treatment; or

15 (B) Two or more convictions for driving while under the
16 influence or driving while impaired;

17 (5) That the applicant has not been convicted of a felony, ~~or~~
18 of an act unless the conviction has been expunged or set aside or
19 the applicant's civil rights have been restored or the applicant
20 has been pardoned for the offense;

21 (6) That the applicant has not been convicted of a misdemeanor
22 crime of violence involving the misuse of a deadly weapon within
23 the five years immediately preceding the application;

24 (7) That the applicant has not been convicted of:

25 (A) A misdemeanor crime of domestic violence as defined in 18
26 U. S. C. §921(a) (33);

1 ~~(B) or of~~ A misdemeanor offense of assault or battery either
2 under the provisions of section twenty-eight, article two of this
3 chapter or the provisions of subsection (b) or (c), section nine,
4 article two of this chapter in which the victim was a current or
5 former spouse, current or former sexual or intimate partner, a
6 person with whom the defendant cohabits or has cohabited, a parent
7 or guardian, the defendant's child or ward or a member of the
8 defendant's household at the time of the offense; or

9 (C) A misdemeanor offense with similar essential elements in
10 a jurisdiction other than this state;

11 ~~(7)~~ (8) That the applicant is not under indictment for a
12 felony offense or is not currently serving a sentence of
13 confinement, parole, probation or other court-ordered supervision
14 imposed by a court of any jurisdiction or is the subject of an
15 emergency or temporary domestic violence protective order or is the
16 subject of a final domestic violence protective order entered by a
17 court of any jurisdiction;

18 ~~(8)~~ (9) That the applicant has not been adjudicated to be
19 mentally incompetent or involuntarily committed to a mental
20 institution. If the applicant has been adjudicated mentally
21 incompetent or involuntarily committed to a mental institution, the
22 applicant must provide a court order reflecting that the applicant
23 is no longer under such disability and the applicant's right to
24 possess or receive a firearm have been restored;

25 (10) That the applicant is not otherwise prohibited from
26 possessing or receiving a firearm by 18 U.S.C. § 922(g) or (n) or

1 by section seven of this article;

2 ~~(9)~~ (11) That the applicant has qualified under the minimum
3 requirements set forth in subsection (d) of this section for
4 handling and firing the weapon: *Provided*, That this requirement
5 shall be waived in the case of a renewal applicant who has
6 previously qualified; and

7 ~~(10)~~ (12) That the applicant authorizes the sheriff of the
8 county, or his or her designee, to conduct an investigation
9 relative to the information contained in the application.

10 (b) For both initial and renewal applications, the sheriff
11 shall conduct an investigation including ~~a nationwide criminal~~
12 ~~background check consisting of checking~~ an inquiry of the National
13 Instant Criminal Background Check System and the West Virginia
14 criminal history record responses, and shall review the information
15 received in order to verify that the information required in
16 subsection (a) of this section is true and correct.

17 (c) Sixty dollars of the application fee and any fees for
18 replacement of lost or stolen licenses received by the sheriff
19 shall be deposited by the sheriff into a Concealed Weapons License
20 Administration Fund. The fund shall be administered by the sheriff
21 and shall take the form of an interest-bearing account with any
22 interest earned to be compounded to the fund. Any funds deposited
23 in this Concealed Weapon License Administration Fund are to be
24 expended by the sheriff to pay for the costs associated with
25 issuing concealed weapons licenses. Any surplus in the fund on
26 hand at the end of each fiscal year may be expended for other

1 law-enforcement purposes or operating needs of the sheriff's
2 office, as the sheriff may consider appropriate.

3 (d) All persons applying for a license must complete a
4 training course in handling and firing a handgun. The successful
5 completion of any of the following courses fulfills this training
6 requirement:

7 (1) Any official National Rifle Association handgun safety or
8 training course;

9 (2) Any handgun safety or training course or class available
10 to the general public offered by an official law-enforcement
11 organization, community college, junior college, college or private
12 or public institution or organization or handgun training school
13 utilizing instructors duly certified by the institution;

14 (3) Any handgun training or safety course or class conducted
15 by a handgun instructor certified as such by the state or by the
16 National Rifle Association;

17 (4) Any handgun training or safety course or class conducted
18 by any branch of the United States Military, Reserve or National
19 Guard.

20 A photocopy of a certificate of completion of any of the
21 courses or classes or an affidavit from the instructor, school,
22 club, organization or group that conducted or taught said course or
23 class attesting to the successful completion of the course or class
24 by the applicant or a copy of any document which shows successful
25 completion of the course or class shall constitute evidence of
26 qualification under this section.

1 (e) All concealed weapons license applications must be
2 notarized by a notary public duly licensed under article four,
3 chapter twenty-nine of this code. Falsification of any portion of
4 the application constitutes false swearing and is punishable under
5 the provisions of section two, article five, chapter sixty-one of
6 this code.

7 (f) The sheriff shall issue a license unless he or she
8 determines that the application is incomplete, that it contains
9 statements that are materially false or incorrect or that applicant
10 otherwise does not meet the requirements set forth in this section.
11 The sheriff shall issue, reissue or deny the license within
12 forty-five days after the application is filed if all required
13 background checks authorized by this section are completed.

14 (g) Before any approved license shall be issued or become
15 effective, the applicant shall pay to the sheriff a fee in the
16 amount of \$25 which the sheriff shall forward to the Superintendent
17 of the West Virginia State Police within thirty days of receipt.
18 The license shall be valid for five years throughout the state,
19 unless sooner revoked.

20 (h) Each license shall contain the full name and address of
21 the licensee and a space upon which the signature of the licensee
22 shall be signed with pen and ink. The issuing sheriff shall sign
23 and attach his or her seal to all license cards. The sheriff shall
24 provide to each new licensee a duplicate license card, in size
25 similar to other state identification cards and licenses, suitable
26 for carrying in a wallet, and the license card is considered a

1 license for the purposes of this section.

2 (i) The Superintendent of the West Virginia State Police shall
3 prepare uniform applications for licenses and license cards showing
4 that the license has been granted and shall do any other act
5 required to be done to protect the state and see to the enforcement
6 of this section.

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

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

25 (l) Whenever any person after applying for and receiving a
26 concealed handgun license moves from the address named in the

1 application to another county within the state, the license remains
2 valid for the remainder of the five years: *Provided*, That the
3 licensee within twenty days thereafter notifies the sheriff in the
4 new county of residence in writing of the old and new addresses.

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

13 (n) Except when subject to an exception under section six,
14 article seven of this chapter, all licensees must carry with them
15 a state-issued photo identification card with the concealed weapons
16 license whenever the licensee is carrying a concealed weapon. Any
17 licensee who, in violation of this subsection, fails to have in his
18 or her possession a state-issued photo identification card and a
19 current concealed weapons license while carrying a concealed weapon
20 is guilty of a misdemeanor and, upon conviction thereof, shall be
21 fined not less than \$50 or more than \$200 for each offense.

22 (o) The sheriff shall deny any application or revoke any
23 existing license upon determination that any of the licensing
24 application requirements established in this section have been
25 violated by the licensee.

26 (p) A person who is engaged in the receipt, review or in the

1 issuance or revocation of a concealed weapon license does not incur
2 any civil liability as the result of the lawful performance of his
3 or her duties under this article.

4 (q) Notwithstanding the provisions of subsection (a) of this
5 section, with respect to application by a former law-enforcement
6 officer honorably retired from agencies governed by article
7 fourteen, chapter seven of this code; article fourteen, chapter
8 eight of this code; article two, chapter fifteen of this code; and
9 article seven, chapter twenty of this code, an honorably retired
10 officer is exempt from payment of fees and costs as otherwise
11 required by this section. All other application and background
12 check requirements specified in this section apply to these
13 applicants.

14 (r) Except as restricted or prohibited by the provisions of
15 this article or as otherwise prohibited by law, the issuance of a
16 concealed weapon permit issued in accordance with the provisions of
17 this section authorizes the holder of the permit to carry a
18 concealed pistol or revolver on the lands or waters of this state.