

1 **COMMITTEE SUBSTITUTE**

2 **FOR**

3 **H. B. 2787**

4
5 (By Delegates Hamilton, Barill, Cadle, Ireland, Ellem,
6 D. Poling, Perry, Canterbury, Longstreth, A. Evans and Rowan)

7 (Originating in the Committee on the Judiciary)

8 (March 29, 2012)

9
10 A BILL to amend and reenact §61-7-6 of the Code of West Virginia,
11 1931, as amended, relating to exemptions and exceptions
12 granted to statutory conceal and carry requirements; imposing
13 certain training and certification requirements for judges,
14 prosecuting attorneys and investigators employed by a
15 prosecuting attorney; exempting such persons from the payment
16 of conceal and carry permit application fees; expanding the
17 list of judicial officers included in those exempted from the
18 payment of fees; and requiring enhanced handgun training for
19 judicial officers and prosecutors before they can be
20 authorized to carry a handgun in the performance of his or her
21 duties, or to carry a handgun in buildings which house a
22 courtroom.

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

24 That §61-7-6 of the Code of West Virginia, 1931, as amended,
25 be amended and reenacted to read as follows:

26 **ARTICLE 7. DANGEROUS WEAPONS.**

1 **§61-7-6. Exceptions as to prohibitions against carrying concealed**
2 **deadly weapons.**

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

5 (1) Any person carrying a deadly weapon upon his or her own
6 premises; nor shall anything herein prevent a person from carrying
7 any firearm, unloaded, from the place of purchase to his or her
8 home, residence or place of business or to a place of repair and
9 back to his or her home, residence or place of business, nor shall
10 anything herein prohibit a person from possessing a firearm while
11 hunting in a lawful manner or while traveling from his or her home,
12 residence or place of business to a hunting site and returning to
13 his or her home, residence or place of business;

14 (2) Any person who is a member of a properly organized target-
15 shooting club authorized by law to obtain firearms by purchase or
16 requisition from this state or from the United States for the
17 purpose of target practice from carrying any pistol, as defined in
18 this article, unloaded, from his or her home, residence or place of
19 business to a place of target practice and from any place of target
20 practice back to his or her home, residence or place of business,
21 for using any such weapon at a place of target practice in training
22 and improving his or her skill in the use of the weapons;

23 (3) Any law-enforcement officer or law-enforcement official as
24 defined in section one, article twenty-nine of chapter thirty;

25 (4) Any employee of the West Virginia Division of Corrections
26 duly appointed pursuant to the provisions of section five, article

1 five of chapter twenty-eight ~~of this code~~ while the employee is on
2 duty;

3 (5) Any member of the Armed Forces of the United States or the
4 militia of this state while the member is on duty;

5 ~~(6) Any circuit judge, including any retired circuit judge~~
6 ~~designated senior status by the Supreme Court of Appeals of West~~
7 ~~Virginia, family court judge, magistrate, prosecuting attorney,~~
8 ~~assistant prosecuting attorney or a duly appointed investigator~~
9 ~~employed by a prosecuting attorney;~~

10 ~~(7)~~(6) Any resident of another state who holds a valid license
11 to carry a concealed weapon by a state or a political subdivision
12 which has entered into a reciprocity agreement with this state,
13 subject to the provisions and limitations set forth in section six-
14 a of this article;

15 ~~(8)~~(7) Any federal law-enforcement officer or federal police
16 officer authorized to carry a weapon in the performance of the
17 officer's duty; and

18 ~~(9)~~(8) Any Hatfield-McCoy regional recreation authority ranger
19 while the ranger is on duty.

20 (b)(1) Any justice of the West Virginia Supreme Court of
21 Appeals; any circuit judge; any retired justice or retired circuit
22 judge designated senior status by the Supreme Court of Appeals of
23 West Virginia; any family court judge; any magistrate; and any
24 prosecuting attorney, assistant prosecuting attorney or a duly
25 appointed investigator employed by a prosecuting attorney is hereby
26 allowed to carry a concealed weapon in this state, without paying

1 an application fee for a conceal and carry permit: *Provided That,*
2 he or she must successfully completed a training course in the safe
3 handling and firing of a handgun which satisfies the requirements
4 of subsection (d), section (4) of this article, and is not
5 otherwise prohibited from possessing or receiving a firearm
6 pursuant to section seven of this article or any provision under 18
7 U.S.C. § 922(g) or (n).

8 (2) No individual set forth in paragraph (1) of this
9 subsection may be authorized by the Chief Judge or other authority
10 to carry a firearm into a building housing any court in this state
11 unless he or she has successfully completed and maintains firearms
12 training and certification from a program what is equivalent to the
13 firearms training and certification that is required of members of
14 the state police.