

1 **H. B. 2459**

2  
3 (By Delegates Howell, Ferns, Marcum, Storch, Canterbury,  
4 A. Evans, Azinger, Border, Williams, Raines  
5 and R. Phillips)  
6

7 [Introduced February 14, 2013; referred to the  
8 Committee on the Judiciary.]  
9

10 A BILL to amend and reenact §61-6-19 of the Code of West Virginia,  
11 1931, as amended; and to amend said code by adding thereto a  
12 new section, designated §61-7-4a, all relating to permitting  
13 certain holders of concealed weapons permits to carry weapons  
14 of the grounds and buildings on the State Capitol Complex;  
15 setting forth the requirements; and providing an exception.

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

17 That §61-6-19 of the Code of West Virginia, 1931, as amended,  
18 be amended and reenacted; and that said code be amended by adding  
19 thereto a new section, designated §61-7-4a, all to read as  
20 follows:

21 **ARTICLE 6. CRIMES AGAINST THE PEACE.**

22 **§61-6-19. Willful disruption of governmental processes; offenses**  
23 **occurring at State Capitol Complex; penalties.**

24 (a) If any person willfully interrupts or molests the orderly  
25 and peaceful process of any department, division, agency or branch

1 of state government or of its political subdivisions, he or she is  
2 guilty of a misdemeanor and, upon conviction thereof, shall be  
3 fined not more than \$100 or ~~imprisoned in the county or regional~~  
4 confined in jail not more than six months, or both fined and  
5 ~~imprisoned~~ confined: *Provided*, That any assembly in a peaceable,  
6 lawful and orderly manner for a redress of grievances ~~shall~~ is not  
7 ~~be~~ a violation of this section.

8 (b) It is unlawful for any person to bring upon the State  
9 Capitol Complex any weapon as defined by ~~the provisions of~~ section  
10 two, article seven of this chapter. However, a person who has been  
11 issued an endorsement to a state license to carry a concealed  
12 deadly weapon pursuant to sections four-a and four, respectively,  
13 article seven of this chapter may carry that deadly weapon upon the  
14 grounds of the State Capitol Complex and within its buildings  
15 except for the rooms, offices, marked hallways and floors occupied  
16 by the Supreme Court of Appeals and its employees.

17 (c) It is unlawful for any person to willfully deface any  
18 trees, wall, floor, stairs, ceiling, column, statue, monument,  
19 structure, surface, artwork or adornment in the State Capitol  
20 Complex. It is unlawful for any person or persons to willfully  
21 block or otherwise willfully obstruct any public access, stair or  
22 elevator in the state Capitol Complex after being asked by a law-  
23 enforcement officer acting in his or her official capacity to  
24 desist: *Provided*, That in order to preserve the Constitutional

1 right of the people to assemble, it is not willful blocking or  
2 willful obstruction for persons gathered in a group or crowd, if  
3 the persons move to the side or part to allow other persons to pass  
4 by the group or crowd to gain ingress or egress: *Provided,*  
5 *however,* That this subsection ~~shall~~ does not apply to a law-  
6 enforcement officer acting in his or her official capacity.

7 (d) Any person who violates ~~any provision of this~~ subsection  
8 (b) or (c) of this section is guilty of a misdemeanor and, upon  
9 conviction thereof, shall be fined not less than \$100 or confined  
10 in ~~the county or regional~~ jail not more than six months, or both  
11 fined and confined.

12 **ARTICLE 7. DANGEROUS WEAPONS.**

13 **§61-7-4a. License to carry deadly weapons within the State Capitol**

14 **Complex; exception.**

15 (a) A person who has been issued a state license to carry a  
16 concealed deadly weapon pursuant to section four of this article  
17 may apply for an endorsement to that license that would permit that  
18 person to carry deadly weapons on the grounds of the State Capitol  
19 Complex and within its buildings. An endorsement to a concealed  
20 weapons permit may only be issued for pistols or revolvers.  
21 However, this endorsement does not apply to the offices, rooms,  
22 hallways or floors of the Supreme Court of Appeals and its  
23 employees.

1       (b) Any person desiring to obtain an endorsement identified in  
2 subsection (a) of this section to carry a concealed deadly weapon  
3 on the grounds of the State Capitol Complex shall apply to the  
4 Capitol Police, and shall pay to the Capitol Police, at the time of  
5 application, a fee of \$50, of which \$15 of that amount will be  
6 deposited in the Courthouse Facilities Improvement Fund created by  
7 section six, article twenty-six, chapter twenty-nine of this code.  
8 Each applicant shall file with the Capitol Police a complete  
9 application, as prepared by the Capitol Police and the  
10 Superintendent of the West Virginia State Police, in writing, duly  
11 verified, which sets forth the following endorsement requirements:

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

19       (2) That, on the date the application is made, the applicant  
20 demonstrates that he or she is a bona fide resident of this state,  
21 produces a valid and current state license to carry a concealed  
22 deadly weapon issued pursuant to section four of this article and  
23 produces a valid driver's license or other state-issued photo  
24 identification showing the residence;

1       (3) That the applicant is not addicted to alcohol, a  
2 controlled substance or a drug and is not an unlawful user thereof  
3 as evidenced by either of the following within the three years  
4 immediately prior to the application:

5       (A) Residential or court-ordered treatment for alcoholism or  
6 alcohol detoxification or drug treatment; or

7       (B) Two or more convictions for driving while under the  
8 influence or driving while impaired;

9       (4) That the applicant has not been convicted of a felony or  
10 of an act of a misdemeanor crime of violence involving the misuse  
11 of a deadly weapon within the five years immediately preceding the  
12 application;

13       (5) That the applicant has not been convicted of a misdemeanor  
14 crime of domestic violence as defined in 18 U.S.C. §921(a)(33), or  
15 a misdemeanor offense of assault or battery either under section  
16 twenty-eight, article two of this chapter or subsection (b) or (c),  
17 section nine, article two of this chapter in which the victim was  
18 a current or former spouse, current or former sexual or intimate  
19 partner, person with whom the defendant cohabits or has cohabited,  
20 a parent or guardian, the defendant's child or ward or a member of  
21 the defendant's household at the time of the offense, or a  
22 misdemeanor offense with similar essential elements in a  
23 jurisdiction other than this state;

24       (6) That the applicant is not under indictment for a felony

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

7 (7) That the applicant has not been adjudicated to be mentally  
8 incompetent. If the applicant has been adjudicated mentally  
9 incompetent the applicant must provide a court order reflecting  
10 that the applicant is no longer under such disability; and

11 (8) That the applicant authorizes the Capitol Police, or his  
12 or her designee, to conduct an investigation relative to the  
13 information contained in the application.

14 (c) For both initial and renewal applications for an  
15 endorsement, the Capitol Police shall conduct an investigation  
16 including a nationwide criminal background check consisting of  
17 checking the National Instant Criminal Background Check System and  
18 the West Virginia criminal history record responses in order to  
19 verify that the information required by this section and section  
20 seven of this article is true and correct.

21 (d) All applications for an endorsement to a state license to  
22 carry a concealed deadly weapon must be notarized by a notary  
23 public duly licensed under article four, chapter twenty-nine of  
24 this code. Falsification of any portion of the application

1 constitutes false swearing and is punishable under section two,  
2 article five, chapter sixty-one of this code.

3 (e) In addition to the sheriff who signs and attaches his or  
4 her seal to all license cards, the Capitol Police shall also sign  
5 and attach its seal to card that contains an endorsement. Each new  
6 endorsement licensee shall be issued a new card with the  
7 endorsement that permits the holder to carry a concealed deadly  
8 weapon on the grounds of the State Capitol Complex and within its  
9 buildings except for the offices, rooms, hallways or floors of the  
10 Supreme Court of Appeals and its employees, in size similar to  
11 other state identification cards and licenses, suitable for  
12 carrying in a wallet, and the license card is considered an  
13 endorsed license for the purposes of this section.

14 (f) The Capitol Police and the Superintendent of the West  
15 Virginia State Police shall prepare uniform applications for  
16 endorsement license cards showing that the endorsement has been  
17 granted and shall do any other act required to be done to protect  
18 the grounds of the State Capitol Complex and the enforcement of  
19 this section.

20 (g) If and when an endorsement has been granted, the Capitol  
21 Police shall furnish the Superintendent of the West Virginia State  
22 Police and the appropriate county sheriff a certified copy of the  
23 approved application. The Superintendent of the West Virginia State  
24 Police and Capitol Police shall maintain a registry of all persons

1 who have been issued endorsements to concealed weapons licenses.

2 (h) The Capitol Police shall deny any application or revoke  
3 any existing endorsement upon determination that any of the  
4 endorsement application requirements established in this section  
5 have been violated.

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

10 (j) Except as restricted or prohibited by this article or as  
11 otherwise prohibited by law, the issuance of an endorsement to a  
12 concealed weapon permit issued in accordance with this section  
13 authorizes the holder of the permit to carry a concealed pistol or  
14 revolver on the grounds and in the buildings of the State Capitol  
15 Complex on the grounds of the state Capitol Complex and within its  
16 buildings with the exception that it does not apply to the offices,  
17 rooms, hallways and floors of the Supreme Court of Appeals and its  
18 employees.

NOTE: The purpose of this section is to permitting certain holders of licenses to carry a concealed deadly weapon on the grounds of the State Capitol Complex and its buildings. The bill sets forth the requirements. The bill also prohibits those holders to carry concealed deadly weapons within the Supreme Court's offices and rooms.

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

§61-7-4a is new; therefore, it has been completely underscored.