

1 **H. B. 2465**

2
3 (By Delegates R. Phillips, Hunt, Moye, Cowles,
4 J. Nelson, Folk and Walters

5
6 [Introduced February 14, 2013; referred to the
7 Committee on the Judiciary.]

8
9
10 A BILL to repeal §8-12-5a of the Code of West Virginia, 1931, as
11 amended; to amend and reenact §7-1-3 of said code; to amend
12 and reenact §8-12-5 of said code; and to amend said code, by
13 adding thereto a new article, designated §61-7B-1, §61-7B-2,
14 §61-7B-3, §61-7B-4, §61-7B-5 and §61-7B-6, all relating to
15 crimes and punishment; jurisdiction, powers and duties of
16 county commissions; general powers of municipalities and their
17 governing bodies; uniform regulation of firearms, ammunition,
18 and firearm accessories throughout West Virginia solely by the
19 Legislature; legislative intent; definition; general rules
20 relating to the regulation of firearms, ammunition and firearm
21 accessories; remedies for unlawful regulation; providing for
22 exceptions; and providing applicability, grand fathering
23 clause and effective date.

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

25 That §8-12-5a of the Code of West Virginia, 1931, as amended

1 be repealed; that §7-1-3 of said code be amended and reenacted;
2 that §8-12-5 be amended and reenacted; and that chapter 61 of said
3 code be amended by adding thereto a new article, designated
4 §61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, §61-7B-5 and §61-7B-6, all
5 to read as follows:

6 **CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

7 **ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

8 **§7-1-3. Jurisdiction, powers and duties.**

9 The county commissions, through their clerks, shall have the
10 custody of all deeds and other papers presented for record in their
11 counties and the same shall be preserved therein, or otherwise
12 disposed of as now is, or may be prescribed by law. They shall
13 have jurisdiction in all matters of probate, the appointment and
14 qualification of personal representatives, guardians, committees,
15 curators and the settlement of their accounts and in all matters
16 relating to apprentices. They shall also, under the rules as now
17 are or may be prescribed by law, have the superintendence and
18 administration of the internal police and fiscal affairs of their
19 counties, including the establishment and regulation of roads,
20 ways, streets, avenues, drives and the like, and the naming or
21 renaming thereof, in cooperation with local postal authorities, the
22 Division of Highways and the directors of county emergency
23 communications centers, to assure uniform, nonduplicative
24 conversion of all rural routes to city-type addressing on a

1 permanent basis, bridges, public landings, ferries and mills, with
2 authority to lay and disburse the county levies. They shall, in
3 all cases of contest, judge of the election, qualification and
4 returns of their own members, and of all county and district
5 officers, subject to appeal as prescribed by law. The tribunals as
6 have been heretofore established by the Legislature under and by
7 virtue of section thirty-four, article VIII of the Constitution of
8 one thousand eight hundred seventy-two, for police and fiscal
9 purposes, shall, until otherwise provided by law, remain and
10 continue as at present constituted in the counties in which they
11 have been respectively established, and shall be and act as to
12 police and fiscal matters in lieu of the county commission herein
13 mentioned, until otherwise provided by law. And until otherwise
14 provided by law, the clerk as is mentioned in section twenty-six of
15 said article, as amended, shall exercise any powers and discharge
16 any duties heretofore conferred on, or required of, any court or
17 tribunal established for judicial purposes under said section, or
18 the clerk of the court or tribunal, respectively, respecting the
19 recording and preservation of deeds and other papers presented for
20 record, matters of probate, the appointment and qualification of
21 personal representatives, guardians, committees, curators and the
22 settlement of their accounts and in all matters relating to
23 apprentices. ~~The county commission may not limit the right of any~~
24 ~~person to purchase, possess, transfer, own, carry, transport, sell~~

~~1 or store any revolver, pistol, rifle or shotgun or any ammunition
2 or ammunition components to be used therewith nor to so regulate
3 the keeping of gunpowder so as to, directly or indirectly, prohibit
4 the ownership of the ammunition: *Provided,* That no provision in
5 this section may be construed to limit the authority of a county to
6 restrict the commercial use of real estate in designated areas
7 through planning or zoning ordinances.~~

8 CHAPTER 8. MUNICIPAL CORPORATIONS.

**9 ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED
10 RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND
11 MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST
12 MUNICIPALITIES.**

**13 §8-12-5. General powers of every municipality and the governing
14 body thereof.**

15 In addition to the powers and authority granted by: (i) The
16 Constitution of this state; (ii) other provisions of this chapter;
17 (iii) other general law; and (iv) any charter, and to the extent
18 not inconsistent or in conflict with any of the foregoing except
19 special legislative charters, every municipality and the governing
20 body thereof shall have plenary power and authority therein by
21 ordinance or resolution, as the case may require, and by
22 appropriate action based thereon:

23 (1) To lay off, establish, construct, open, alter, curb,

1 recurb, pave or repave and keep in good repair, or vacate,
2 discontinue and close, streets, avenues, roads, alleys, ways,
3 sidewalks, drains and gutters, for the use of the public, and to
4 improve and light the same, and have them kept free from
5 obstructions on or over them which have not been authorized
6 pursuant to the succeeding provisions of this subdivision; and,
7 subject to such terms and conditions as the governing body shall
8 prescribe, to permit, without in any way limiting the power and
9 authority granted by the provisions of article sixteen of this
10 chapter, any person to construct and maintain a passageway,
11 building or other structure overhanging or crossing the airspace
12 above a public street, avenue, road, alley, way, sidewalk or
13 crosswalk, but before any permission for any person to construct
14 and maintain a passageway, building or other structure overhanging
15 or crossing any airspace is granted, a public hearing thereon shall
16 be held by the governing body after publication of a notice of the
17 date, time, place and purpose of the public hearing has been
18 published as a Class I legal advertisement in compliance with the
19 provisions of article three, chapter fifty-nine of this code and
20 the publication area for the publication shall be the municipality:
21 *Provided*, That any permit so granted shall automatically cease and
22 terminate in the event of abandonment and nonuse thereof for the
23 purposes intended for a period of ninety days, and all rights
24 therein or thereto shall revert to the municipality for its use and

1 benefit;

2 (2) To provide for the opening and excavation of streets,
3 avenues, roads, alleys, ways, sidewalks, crosswalks and public
4 places belonging to the municipality and regulate the conditions
5 under which any such opening may be made;

6 (3) To prevent by proper penalties the throwing, depositing or
7 permitting to remain on any street, avenue, road, alley, way,
8 sidewalk, square or other public place any glass, scrap iron,
9 nails, tacks, wire, other litter or any offensive matter or
10 anything likely to injure the feet of individuals or animals or the
11 tires of vehicles;

12 (4) To regulate the use of streets, avenues, roads, alleys,
13 ways, sidewalks, crosswalks and public places belonging to the
14 municipality, including the naming or renaming thereof, and to
15 consult with local postal authorities, the Division of Highways and
16 the directors of county emergency communications centers to assure
17 uniform, nonduplicative addressing on a permanent basis;

18 (5) To regulate the width of streets, avenues and roads, and
19 subject to the provisions of article eighteen of this chapter, to
20 order the sidewalks, footways and crosswalks to be paved, repaved,
21 curbed or recurbed and kept in good order, free and clean, by the
22 owners or occupants thereof or of the real property next adjacent
23 thereto;

24 (6) To establish, construct, alter, operate and maintain, or

1 discontinue, bridges, tunnels and ferries and approaches thereto;

2 (7) To provide for the construction and maintenance of water
3 drains, the drainage of swamps or marshlands and drainage systems;

4 (8) To provide for the construction, maintenance and covering
5 over of watercourses;

6 (9) To control and administer the waterfront and waterways of
7 the municipality and to acquire, establish, construct, operate and
8 maintain and regulate flood control works, wharves and public
9 landings, warehouses and all adjuncts and facilities for navigation
10 and commerce and the utilization of the waterfront and waterways
11 and adjacent property;

12 (10) To prohibit the accumulation and require the disposal of
13 garbage, refuse, debris, wastes, ashes, trash and other similar
14 accumulations whether on private or public property: *Provided,*
15 That in the event the municipality annexes an area which has been
16 receiving solid waste collection services from a certificated solid
17 waste motor carrier, the municipality and the solid waste motor
18 carrier may negotiate an agreement for continuation of the private
19 solid waste motor carrier services for a period of time, not to
20 exceed three years, during which time the certificated solid waste
21 motor carrier may continue to provide exclusive solid waste
22 collection services in the annexed territory;

23 (11) To construct, establish, acquire, equip, maintain and
24 operate incinerator plants and equipment and all other facilities

1 for the efficient removal and destruction of garbage, refuse,
2 wastes, ashes, trash and other similar matters;

3 (12) To regulate or prohibit the purchase or sale of articles
4 intended for human use or consumption which are unfit for use or
5 consumption, or which may be contaminated or otherwise unsanitary;

6 (13) To prevent injury or annoyance to the public or
7 individuals from anything dangerous, offensive or unwholesome;

8 (14) To regulate the keeping of ~~gunpowder and other~~
9 combustibles;

10 (15) To make regulations guarding against danger or damage by
11 fire;

12 (16) To arrest, convict and punish any individual for carrying
13 about his or her person any ~~revolver or other pistol,~~ dirk, bowie
14 knife, razor, slingshot, billy, metallic or other false knuckles or
15 any other ~~dangerous or other~~ deadly weapon of like kind or
16 character;

17 (17) To arrest, convict and punish any person for importing,
18 printing, publishing, selling or distributing any pornographic
19 publications;

20 (18) To arrest, convict and punish any person for keeping a
21 house of ill fame, or for letting to another person any house or
22 other building for the purpose of being used or kept as a house of
23 ill fame, or for knowingly permitting any house owned by him or her
24 or under his or her control to be kept or used as a house of ill

1 fame, or for loafing, boarding or loitering in a house of ill fame,
2 or frequenting same;

3 (19) To prevent and suppress conduct and practices which are
4 immoral, disorderly, lewd, obscene and indecent;

5 (20) To prevent the illegal sale of intoxicating liquors,
6 drinks, mixtures and preparations;

7 (21) To arrest, convict and punish any individual for driving
8 or operating a motor vehicle while intoxicated or under the
9 influence of liquor, drugs or narcotics;

10 (22) To arrest, convict and punish any person for gambling or
11 keeping any gaming tables, commonly called "A, B, C," or "E, O,"
12 table or faro bank or keno table, or table of like kind, under any
13 denomination, whether the gaming table be played with cards, dice
14 or otherwise, or any person who shall be a partner or concerned in
15 interest, in keeping or exhibiting the table or bank, or keeping or
16 maintaining any gaming house or place, or betting or gambling for
17 money or anything of value;

18 (23) To provide for the elimination of hazards to public
19 health and safety and to abate or cause to be abated anything which
20 in the opinion of a majority of the governing body is a public
21 nuisance;

22 (24) To license, or for good cause to refuse to license in a
23 particular case, or in its discretion to prohibit in all cases, the
24 operation of pool and billiard rooms and the maintaining for hire

1 of pool and billiard tables notwithstanding the general law as to
2 state licenses for any such business and the provisions of section
3 four, article thirteen of this chapter; and when the municipality,
4 in the exercise of its discretion, refuses to grant a license to
5 operate a pool or billiard room, mandamus may not lie to compel the
6 municipality to grant the license unless it shall clearly appear
7 that the refusal of the municipality to grant a license is
8 discriminatory or arbitrary; and in the event that the municipality
9 determines to license any business, the municipality has plenary
10 power and authority and it shall be the duty of its governing body
11 to make and enforce reasonable ordinances regulating the licensing
12 and operation of the businesses;

13 (25) To protect places of divine worship and to preserve peace
14 and order in and about the premises where held;

15 (26) To regulate or prohibit the keeping of animals or fowls
16 and to provide for the impounding, sale or destruction of animals
17 or fowls kept contrary to law or found running at large;

18 (27) To arrest, convict and punish any person for cruelly,
19 unnecessarily or needlessly beating, torturing, mutilating,
20 killing, or overloading or overdriving or willfully depriving of
21 necessary sustenance any domestic animal;

22 (28) To provide for the regular building of houses or other
23 structures, for the making of division fences by the owners of
24 adjacent premises and for the drainage of lots by proper drains and

1 ditches;

2 (29) To provide for the protection and conservation of shade
3 or ornamental trees, whether on public or private property, and for
4 the removal of trees or limbs of trees in a dangerous condition;

5 (30) To prohibit with or without zoning the location of
6 occupied house trailers or mobile homes in certain residential
7 areas;

8 (31) To regulate the location and placing of signs,
9 billboards, posters and similar advertising;

10 (32) To erect, establish, construct, acquire, improve,
11 maintain and operate a gas system, a waterworks system, an electric
12 system or sewer system and sewage treatment and disposal system, or
13 any combination of the foregoing (subject to all of the pertinent
14 provisions of articles nineteen and twenty of this chapter and
15 particularly to the limitations or qualifications on the right of
16 eminent domain set forth in articles nineteen and twenty), within
17 or without the corporate limits of the municipality, except that
18 the municipality may not erect any system partly without the
19 corporate limits of the municipality to serve persons already
20 obtaining service from an existing system of the character proposed
21 and where the system is by the municipality erected, or has
22 heretofore been so erected, partly within and partly without the
23 corporate limits of the municipality, the municipality has the
24 right to lay and collect charges for service rendered to those

1 served within and those served without the corporate limits of the
2 municipality and to prevent injury to the system or the pollution
3 of the water thereof and its maintenance in a healthful condition
4 for public use within the corporate limits of the municipality;

5 (33) To acquire watersheds, water and riparian rights, plant
6 sites, rights-of-way and any and all other property and
7 appurtenances necessary, appropriate, useful, convenient or
8 incidental to any system, waterworks or sewage treatment and
9 disposal works, as aforesaid, subject to all of the pertinent
10 provisions of articles nineteen and twenty of this chapter;

11 (34) To establish, construct, acquire, maintain and operate
12 and regulate markets and prescribe the time of holding the same;

13 (35) To regulate and provide for the weighing of articles sold
14 or for sale;

15 (36) To establish, construct, acquire, maintain and operate
16 public buildings, municipal buildings or city halls, Auditoriums,
17 arenas, jails, juvenile detention centers or homes, motor vehicle
18 parking lots or any other public works;

19 (37) To establish, construct, acquire, provide, equip,
20 maintain and operate recreational parks, playgrounds and other
21 recreational facilities for public use and in this connection also
22 to proceed in accordance with the provisions of article two,
23 chapter ten of this code;

24 (38) To establish, construct, acquire, maintain and operate a

1 public library or museum or both for public use;

2 (39) To provide for the appointment and financial support of
3 a library board in accordance with the provisions of article one,
4 chapter ten of this code;

5 (40) To establish and maintain a public health unit in
6 accordance with the provisions of section two, article two, chapter
7 sixteen of this code, which unit shall exercise its powers and
8 perform its duties subject to the supervision and control of the
9 West Virginia Board of Health and State Bureau for Public Health;

10 (41) To establish, construct, acquire, maintain and operate
11 hospitals, sanitariums and dispensaries;

12 (42) To acquire, by purchase, condemnation or otherwise, land
13 within or near the corporate limits of the municipality for
14 providing and maintaining proper places for the burial of the dead
15 and to maintain and operate the same and regulate interments
16 therein upon terms and conditions as to price and otherwise as may
17 be determined by the governing body and, in order to carry into
18 effect the authority, the governing body may acquire any cemetery
19 or cemeteries already established;

20 (43) To exercise general police jurisdiction over any
21 territory without the corporate limits owned by the municipality or
22 over which it has a right-of-way;

23 (44) To protect and promote the public morals, safety, health,
24 welfare and good order;

1 (45) To adopt rules for the transaction of business and the
2 government and regulation of its governing body;

3 (46) Except as otherwise provided, to require and take bonds
4 from any officers, when considered necessary, payable to the
5 municipality, in its corporate name, with such sureties and in a
6 penalty as the governing body may see fit, conditioned upon the
7 faithful discharge of their duties;

8 (47) To require and take from the employees and contractors
9 such bonds in a penalty, with such sureties and with such
10 conditions, as the governing body may see fit;

11 (48) To investigate and inquire into all matters of concern to
12 the municipality or its inhabitants;

13 (49) To establish, construct, require, maintain and operate
14 such instrumentalities, other than free public schools, for the
15 instruction, enlightenment, improvement, entertainment, recreation
16 and welfare of the municipality's inhabitants as the governing body
17 may consider necessary or appropriate for the public interest;

18 (50) To create, maintain and operate a system for the
19 enumeration, identification and registration, or either, of the
20 inhabitants of the municipality and visitors thereto, or the
21 classes thereof as may be considered advisable;

22 (51) To require owners, residents or occupants of
23 factory-built homes situated in a factory-built rental home
24 community with at least ten factory-built homes, to visibly post

1 the specific numeric portion of the address of each factory-built
2 home on the immediate premises of the factory-built home of
3 sufficient size to be visible from the adjoining street: *Provided,*
4 That in the event no numeric or other specific designation of an
5 address exists for a factory-built home subject to the
6 authorization granted by this subdivision, the municipality has the
7 authority to provide a numeric or other specific designation of an
8 address for the factory-built home and require that it be posted in
9 accordance with the authority otherwise granted by this section.

10 (52) To appropriate and expend not exceeding 25¢ per capita
11 per annum for advertising the municipality and the entertainment of
12 visitors;

13 (53) To conduct programs to improve community relations and
14 public relations generally and to expend municipal revenue for such
15 purposes;

16 (54) To reimburse applicants for employment by the
17 municipality for travel and other reasonable and necessary expenses
18 actually incurred by the applicants in traveling to and from the
19 municipality to be interviewed;

20 (55) To provide revenue for the municipality and appropriate
21 the same to its expenses;

22 (56) To create and maintain an Employee Benefits Fund which
23 may not exceed one tenth of one percent of the annual payroll
24 budget for general employee benefits and which is set up for the

1 purpose of stimulating and encouraging employees to develop and
2 implement cost-saving ideas and programs and to expend moneys from
3 the fund for these purposes;

4 (57) To enter into reciprocal agreements with governmental
5 subdivisions or agencies of any state sharing a common border for
6 the protection of people and property from fire and for emergency
7 medical services and for the reciprocal use of equipment and
8 personnel for these purposes;

9 (58) To provide penalties for the offenses and violations of
10 law mentioned in this section, subject to the provisions of section
11 one, article eleven of this chapter, and such penalties may not
12 exceed any penalties provided in this chapter and chapter sixty-one
13 of this code for like offenses and violations; and

14 (59) To participate in a purchasing card program for local
15 governments authorized and administered by the State Auditor as an
16 alternative payment method.

17 **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

18 **ARTICLE 7B. UNIFORM REGULATION OF FIREARMS, AMMUNITION AND**
19 **FIREARM ACCESSORIES THROUGHOUT WEST VIRGINIA.**

20 **§61-7B-1. Legislative intent.**

21 The purpose of this article is to establish within the
22 Legislature complete control over regulation and policy pertaining
23 to firearms, ammunition and firearm accessories in order to ensure

1 that such regulation and policy is applied uniformly throughout
2 this state to each person subject to the state's jurisdiction and
3 to ensure protection of the right to keep and bear arms recognized
4 by the constitutions of the United States and of this state. This
5 section is to be liberally construed to accomplish its purpose.

6 **§61-7B-2. Definitions.**

7 As used in this section:

8 (a) "Ammunition" means fixed cartridge ammunition, shotgun
9 shells, the individual components of fixed cartridge ammunition and
10 shotgun shells, projectiles for muzzle-loading firearms and any
11 propellant used in firearms or ammunition.

12 (b) "Expressly authorized by a statute of this state" means
13 the power to regulate firearms, ammunition, or firearm accessories
14 is authorized by a duly-enacted state statute that specifically
15 mentions firearms, a particular type of firearm, ammunition, or a
16 particular type of ammunition.

17 (c) "Firearm accessory" means a device specifically designed
18 or adapted to enable the wearing or carrying about one's person, or
19 the storage or mounting in or on a conveyance, of a firearm, or an
20 attachment or device specifically designed or adapted to be
21 inserted into or affixed onto a firearm to enable, alter or improve
22 the functioning or capabilities of the firearm.

23 (d) "Firearm" has the same meaning as in section 2, article 7
24 of this chapter.

1 (e) "Person adversely affected" means any of the following:

2 A resident of this state who may legally possess a firearm
3 under the laws of this state and the United States and who either:

4 (A) Is subject to any manner of regulation alleged to be
5 promulgated or enforced in violation of this section, whether or
6 not specific enforcement action has been initiated or threatened
7 against that person or another person; or

8 (B) Would be, if the person were present in the political
9 subdivision in question, subject to any manner of regulation
10 alleged to be promulgated or enforced in violation of this section,
11 whether or not specific enforcement action has been initiated or
12 threatened against that person or another person.

13 (C) A person who otherwise has standing under the laws of this
14 state to bring an action under subsection (f).

15 (D) A membership organization the members of which include a
16 person described in subparagraphs (A) or (B) of this subdivision
17 and that is dedicated, in whole or in part, to protecting the
18 legal, civil, or constitutional rights of its membership.

19 (f) "Political subdivision" has the same meaning as in section
20 ten-a, article three, chapter five-a of this code.

21 "Reasonable expenses" include, but are not limited to,
22 attorney fees, expert witness fees, court costs, and compensation
23 for loss of income.

24 **§61-7B-3. General rule.**

1 (a) Except as otherwise provided in this section or as
2 expressly authorized by a statute of this state, the Legislature
3 hereby occupies and preempts the entire field of regulation in this
4 state touching in any way upon firearms, ammunition and firearm
5 accessories to the complete exclusion of any order, ordinance or
6 rule promulgated or enforced by any political subdivision of this
7 state.

8 (b) The authority of a political subdivision to regulate
9 firearms, ammunition, or firearm accessories may not be inferred
10 from its proprietary authority, home rule status or any other
11 inherent or general power.

12 (c) Any existing or future orders, ordinances, or rules
13 promulgated or enforced in violation of this section are null and
14 void.

15 **§61-7B-4. Remedies for unlawful regulation.**

16 (a) A person adversely affected by any order, ordinance, or
17 rule promulgated or enforced in violation of this section may file
18 suit in an appropriate court for declarative and injunctive relief
19 and for all actual and consequential damages attributable to the
20 violation.

21 (b) The court shall award reasonable expenses to a person
22 adversely affected if an action under this subsection results in
23 either:

24 (1) A final determination in favor of the person adversely

1 affected; or

2 (2) Rescission, repeal, or amendment of the challenged manner
3 of regulation or enforcement after suit has been filed under
4 subdivision (1) but prior to a final determination by the court.

5 **§61-7B-5. Exceptions.**

6 This section may not be construed to prevent any of the
7 following:

8 (a) A duly organized law-enforcement agency of a political
9 subdivision from promulgating and enforcing rules pertaining to
10 firearms, ammunition or firearm accessories that it issues to or
11 that are used by the political subdivision's peace officers in the
12 course of their official duties.

13 (b) An employer from regulating or prohibiting an employee's
14 carrying or possession of firearms, firearm accessories or
15 ammunition during and in the course of the employee's official
16 duties.

17 (c) A court or administrative law judge from hearing and
18 resolving a case or controversy or issuing an opinion or order on
19 a matter within its jurisdiction.

20 (d) The enactment or enforcement of a generally applicable
21 zoning or business ordinance that includes firearms businesses
22 along with other businesses, provided that an ordinance designed or
23 enforced effectively to restrict or prohibit the sale, purchase,
24 transfer, manufacture or display of firearms, ammunition or firearm

1 accessories that is otherwise lawful under the laws of this state
2 is in conflict with this section and is void.

3 (e) A political subdivision from enacting and enforcing rules
4 of operation and use for any firearm range owned or operated by the
5 political subdivision.

6 (f) A political subdivision from sponsoring or conducting any
7 firearm-related competition or educational or cultural program and
8 from enacting and enforcing rules for participation in or
9 attendance at such program: Provided, That nothing in this section
10 authorizes or permits a political subdivision to offer remuneration
11 for the surrender or transfer of a privately-owned firearm to the
12 political subdivision or another party as a method of reducing the
13 number of privately-owned firearms within the political
14 subdivision.

15 (g) Any official of a political subdivision with appropriate
16 authority and jurisdiction from enforcing any statute enacted by
17 the State Legislature.

18 (h) A political subdivision from leasing public property to
19 another person or entity for a firearm-related event on terms
20 agreeable to both parties.

21 **§61-7B-6. Applicability and effective dates.**

22 This article applies to an order, ordinance or rule adopted by
23 a political subdivision of this state or to official actions taken
24 by an employee or agent of such political subdivision, prior to or

1 on or after the effective date of this article. The remedies
2 prescribed under section three of this article shall take effect
3 ninety days after the enactment date of this article to provide
4 political subdivisions an opportunity to come into compliance with
5 the provisions of this article.

6 Notwithstanding any other provision of this code to the
7 contrary, no ordinance enacted pursuant to the provisions of this
8 article applies to or affects any municipal corporation that has
9 adopted and has in effect an ordinance limiting the right of any
10 person to purchase, possess, transfer, own, carry, transport, sell
11 or store any revolver, pistol, rifle or shotgun or any ammunition
12 or ammunition components to be used therewith nor to so regulate
13 the keeping of gunpowder so as to directly or indirectly prohibit
14 the ownership of the ammunition.

NOTE: The purpose of this bill is to create a uniform regulation of firearms, ammunition, and firearm accessories throughout West Virginia solely determined by the Legislature. It states legislative intent; provides definitions; general rules relating to the regulation of firearms, ammunition and firearm accessories; provides remedies for unlawful regulation; and provides for exceptions. The bill removes references to regulation of firearms by counties and municipalities. And, the bill provides applicability, grand fathering clause and effective date of the new article.

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

§61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, §61-7B-5 and §61-7B-6

are new; therefore, it has been completely underscored.