

1 assurances of safety for children attending, and the persons
2 employed by, schools in this state and for those persons employed
3 with the judicial department of this state. It is for the purpose
4 of providing such assurances of safety, therefore, that subsections
5 (b), (g) and (h) of this section are enacted as a reasonable
6 regulation of the manner in which citizens may exercise those
7 rights accorded to them pursuant to section twenty-two, article
8 three of the Constitution of the State of West Virginia.

9 (b) (1) It ~~shall be~~ is unlawful for any person to possess any
10 firearm or any other deadly weapon on any school bus as defined in
11 section one, article one, chapter seventeen-a of this code, or in
12 or on any public or private primary or secondary education
13 building, structure, facility or grounds thereof, including any
14 vocational education building, structure, facility or grounds
15 thereof where secondary vocational education programs are conducted
16 or at any school-sponsored function.

17 (2) This subsection ~~shall~~ does not apply to:

18 (A) A law-enforcement officer acting in his or her official
19 capacity;

20 (B) A person specifically authorized by the board of education
21 of the county or principal of the school where the property is
22 located to conduct programs with valid educational purposes;

23 (C) A person who, as otherwise permitted by the provisions of
24 this article, possesses an unloaded firearm or deadly weapon in a

1 motor vehicle, or leaves an unloaded firearm or deadly weapon in a
2 locked motor vehicle;

3 (D) Programs or raffles conducted with the approval of the
4 county board of education or school which include the display of
5 unloaded firearms; or

6 (E) The official mascot of West Virginia University, commonly
7 known as "The Mountaineer", acting in his or her official capacity.

8 (3) Any person violating this subsection ~~shall be~~ is guilty of
9 a felony and, upon conviction thereof, shall be imprisoned in ~~the~~
10 ~~penitentiary~~ a correctional facility of this state for a definite
11 term of years of not less than two years nor more than ten years,
12 or fined not more than \$5,000, or both.

13 (c) It ~~shall be~~ is the duty of the principal of each school
14 subject to the authority of the State Board of Education to report
15 any violation of subsection (b) of this section discovered by ~~such~~
16 the principal to the State Superintendent of Schools within
17 seventy-two hours after ~~such~~ the violation occurs. The State Board
18 of Education shall keep and maintain ~~such~~ the reports and may
19 prescribe rules establishing policy and procedures for the making
20 and delivery of the same as required by this subsection. In
21 addition, it ~~shall be~~ is the duty of the principal of each school
22 subject to the authority of the State Board of Education to report
23 any violation of subsection (b) of this section discovered by ~~such~~
24 the principal to the appropriate local office of the Division of

1 Public Safety within seventy-two hours after ~~such~~ the violation
2 occurs.

3 (d) In addition to the methods of disposition provided by
4 article five, chapter forty-nine of this code, any court which
5 adjudicates a person who is fourteen years of age or older as
6 delinquent for a violation of subsection (b) of this section may,
7 in its discretion, order the Division of Motor Vehicles to suspend
8 any driver's license or instruction permit issued to ~~such~~ the
9 person for ~~such~~ the period of time as the court may deem
10 appropriate, ~~such~~ the suspension, however, not to extend beyond
11 ~~such~~ the person's nineteenth birthday; or, where ~~such~~ the person
12 has not been issued a driver's license or instruction permit by
13 this state, order the Division of Motor Vehicles to deny ~~such~~ the
14 person's application for the same for such period of time as the
15 court may deem appropriate, ~~such~~ the denial, however, not to extend
16 beyond ~~such~~ the person's nineteenth birthday. Any suspension
17 ordered by the court pursuant to this subsection ~~shall be~~ is
18 effective upon the date of entry of ~~such~~ the order. Where the court
19 orders the suspension of a driver's license or instruction permit
20 pursuant to this subsection, the court shall confiscate any
21 driver's license or instruction permit in the adjudicated person's
22 possession and forward the same to the Division of Motor Vehicles.

23 (e) (1) If a person eighteen years of age or older is
24 convicted of violating subsection (b) of this section, and if ~~such~~

1 the person does not act to appeal ~~such~~ the conviction within the
2 time periods described in subdivision (2) of this subsection, ~~such~~
3 the person's license or privilege to operate a motor vehicle in
4 this state shall be revoked in accordance with the provisions of
5 this section.

6 (2) The clerk of the court in which the person is convicted as
7 described in subdivision (1) of this subsection shall forward to
8 the commissioner a transcript of the judgment of conviction. If the
9 conviction is the judgment of a magistrate court, the magistrate
10 court clerk shall forward ~~such~~ the transcript when the person
11 convicted has not requested an appeal within twenty days of the
12 sentencing for ~~such~~ the conviction. If the conviction is the
13 judgment of a circuit court, the circuit clerk shall forward ~~such~~
14 the transcript when the person convicted has not filed a notice of
15 intent to file a petition for appeal or writ of error within thirty
16 days after the judgment was entered.

17 (3) If, upon examination of the transcript of the judgment of
18 conviction, the commissioner ~~shall determine~~ determines that the
19 person was convicted as described in subdivision (1) of this
20 subsection, the commissioner shall make and enter an order revoking
21 ~~such~~ the person's license or privilege to operate a motor vehicle
22 in this state for a period of one year, or, in the event the person
23 is a student enrolled in a secondary school, for a period of one
24 year or until the person's twentieth birthday, whichever is the

1 greater period. The order shall contain the reasons for the
2 revocation and the revocation period. The order of suspension shall
3 advise the person that because of the receipt of the court's
4 transcript, a presumption exists that the person named in the order
5 of suspension is the same person named in the transcript. The
6 commissioner may grant an administrative hearing which
7 substantially complies with the requirements of the provisions of
8 section two, article five-a, chapter seventeen-c of this code upon
9 a preliminary showing that a possibility exists that the person
10 named in the notice of conviction is not the same person whose
11 license is being suspended. ~~Such~~ The request for hearing shall be
12 made within ten days after receipt of a copy of the order of
13 suspension. The sole purpose of this hearing ~~shall be~~ is for the
14 person requesting the hearing to present evidence that he or she is
15 not the person named in the notice. In the event the commissioner
16 grants an administrative hearing, the commissioner shall stay the
17 license suspension pending the commissioner's order resulting from
18 the hearing.

19 (4) For the purposes of this subsection, a person is convicted
20 when ~~such~~ the person enters a plea of guilty or is found guilty by
21 a court or jury.

22 (f) (1) It ~~shall be~~ is unlawful for any parent(s), guardian(s)
23 or custodian(s) of a person less than eighteen years of age who
24 knows that ~~said~~ the person is in violation of subsection (b) of

1 this section, or who has reasonable cause to believe that ~~said the~~
2 person's violation of ~~said the~~ subsection is imminent, to fail to
3 immediately report ~~such the~~ knowledge or belief to the appropriate
4 school or law-enforcement officials.

5 (2) Any person violating this subsection ~~shall be~~ is guilty of
6 a misdemeanor and, upon conviction thereof, shall be fined not more
7 than \$1,000, or shall be confined in jail not more than one year,
8 or both.

9 (g) (1) It ~~shall be~~ is unlawful for any person to possess any
10 firearm or any other deadly weapon on any premises which houses a
11 court of law or in the offices of a family ~~law master~~ court judge.

12 (2) This subsection shall not apply to:

13 (A) A law-enforcement officer acting in his or her official
14 capacity; ~~and~~

15 (B) A person exempted from the provisions of this subsection
16 by order of record entered by a court with jurisdiction over such
17 premises or offices; and

18 (C) Justices of the West Virginia Supreme Court of Appeals,
19 circuit court judges, family court judges and magistrates.

20 (3) Any person violating this subsection ~~shall be~~ is guilty of
21 a misdemeanor and, upon conviction thereof, shall be fined not more
22 than \$1,000, or shall be confined in jail not more than one year,
23 or both.

24 (h) (1) It ~~shall be~~ is unlawful for any person to possess any

1 firearm or any other deadly weapon on any premises which houses a
2 court of law or in the offices of a family ~~law master~~ court judge
3 with the intent to commit a crime.

4 (2) Any person violating this subsection ~~shall be~~ is guilty of
5 a felony and, upon conviction thereof, shall be imprisoned in ~~the~~
6 ~~penitentiary~~ a correctional facility of this state for a definite
7 term of years of not less than two years nor more than ten years,
8 or fined not more than \$5,000, or both.

9 (i) Nothing in this section may be construed to be in conflict
10 with the provisions of federal law.

NOTE: The purpose of this bill is to provide for judges and magistrates of West Virginia Courts to carry concealed firearms in court buildings and offices of family court judges.

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