

**Senate Bill No. 369**

(By Senators Unger, Kessler (Mr. President), D. Hall, Cookman,  
Cann, Laird, Beach, Fitzsimmons, Jenkins and Williams)

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[Introduced February 26, 2013; referred to the Committee on the  
Judiciary.]  
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A BILL to amend and reenact §61-7-6 and §61-7-6a of the Code of  
West Virginia, 1931, as amended, all relating to allowing a  
resident of another state to carry a handgun in West Virginia  
if the person holds a valid permit or license to possess or  
carry a handgun from the other state and the other state  
allows residents of West Virginia who are licensed in West  
Virginia to carry a concealed deadly weapon to carry a  
concealed deadly weapon in that state.

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

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

**ARTICLE 7. DANGEROUS WEAPONS.**

**§61-7-6. Exceptions as to prohibitions against carrying concealed**

1                   **deadly weapons.**

2           The licensure provisions set forth in this article do not  
3 apply to:

4           (1) Any person:

5           (A) Carrying a deadly weapon upon his or her own premises; ~~nor~~  
6 ~~shall anything herein prevent a person from~~

7           (B) Carrying ~~any~~ a firearm, unloaded, from the place of  
8 purchase to his or her home, residence or place of business or to  
9 a place of repair and back to his or her home, residence or place  
10 of business; ~~nor shall anything herein prohibit a person or~~

11           (C) From possessing a firearm while hunting in a lawful manner  
12 or while traveling from his or her home, residence or place of  
13 business to a hunting site and returning to his or her home,  
14 residence or place of business;

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

1 the weapons;

2 (3) Any law-enforcement officer or law-enforcement official as  
3 defined in section one, article twenty-nine, chapter thirty of this  
4 code;

5 (4) Any employee of the West Virginia Division of Corrections  
6 duly appointed pursuant to the provisions of section five, article  
7 five, chapter twenty-eight of this code while the employee is on  
8 duty;

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

11 (6) Any circuit judge, including any retired circuit judge  
12 designated senior status by the Supreme Court of Appeals of West  
13 Virginia, prosecuting attorney, assistant prosecuting attorney or  
14 a duly appointed investigator employed by a prosecuting attorney;

15 (7) Any resident of another state who holds a valid permit or  
16 license to possess or carry a ~~concealed weapon handgun issued~~ by a  
17 state or a political subdivision ~~which has entered into a~~  
18 ~~reciprocity agreement with this state,~~ subject to the provisions  
19 and limitations set forth in section six-a of this article;

20 (8) Any federal law-enforcement officer or federal police  
21 officer authorized to carry a weapon in the performance of the  
22 officer's duty; and

23 (9) Any Hatfield-McCoy Regional Recreation Authority Ranger

1 while the ranger is on duty.

2 **§61-7-6a. Reciprocity and recognition; out-of-state concealed**  
3 **handgun permits.**

4 (a) A ~~holder of a~~ valid out-of-state permit or license to  
5 possess or carry a ~~concealed~~ handgun ~~as issued by another state~~  
6 ~~with which the State of West Virginia has executed a reciprocity~~  
7 ~~agreement shall be recognized as~~ is valid in this state for the  
8 carrying of a concealed handgun, if the following conditions are  
9 met:

10 (1) The permit or license holder is 21 years of age or older;

11 (2) The permit or license is in his or her immediate  
12 possession;

13 (3) The permit or license holder is not a resident of the  
14 State of West Virginia; and

15 (4) ~~The State of West Virginia has executed a valid and~~  
16 ~~effective reciprocity agreement with the issuing state pertaining~~  
17 ~~to the carrying and verification of concealed handgun licenses and~~  
18 ~~permits issued in the respective states. The Attorney General has~~  
19 been notified by the Governor of the other state that the other  
20 state allows residents of West Virginia who are licensed in West  
21 Virginia to carry a concealed deadly weapon to carry a concealed  
22 deadly weapon in that state.

23 (b) A holder of a valid permit or license from another state

1 who is authorized to carry a concealed handgun in this state  
2 pursuant to provisions of this section is subject to the same laws  
3 and restrictions with respect to carrying a concealed handgun as a  
4 resident of West Virginia who is so permitted, and must carry the  
5 concealed handgun in compliance with the laws of this state.

6 (c) A license or permit from another state is not valid in  
7 this state if the holder is or becomes prohibited by ~~law~~ the laws  
8 of this state or the United States from possessing a firearm.

9 (d) The West Virginia Attorney General shall seek to enter  
10 into and ~~may~~ execute reciprocity agreements on behalf of the State  
11 of West Virginia with states ~~which meet the following standards and~~  
12 ~~requirements:~~

13 ~~(1) The standards applied by the other state before issuing a~~  
14 ~~concealed handgun license or permit must be similar to or greater~~  
15 ~~than the standards imposed by this article;~~

16 ~~(2) This state's law enforcement officers have continuous~~  
17 ~~access to databases on the criminal information network,~~  
18 ~~8twenty-four hours per day, seven days per week, to verify the~~  
19 ~~continued validity of any license or permit to carry a concealed~~  
20 ~~handgun that has been granted by the issuing state;~~

21 ~~(3) The other state agrees to grant the right to carry a~~  
22 ~~concealed handgun to residents of West Virginia who have valid~~  
23 ~~concealed handgun permits issued pursuant to this article in their~~

1 ~~possession while carrying concealed weapons in that state; and~~

2 ~~(4) The states agree to apprise one another of changes in~~  
3 ~~permitting standards and requirements, to provide for a prompt~~  
4 ~~reexamination of whether any adopted change in licensing or~~  
5 ~~permitting standards negates the states' ability to continue with~~  
6 ~~the reciprocity agreement.~~

7 ~~(e) The West Virginia State Police shall maintain a registry~~  
8 ~~of states with which the State of West Virginia has entered into~~  
9 ~~reciprocity agreements on the criminal information network and make~~  
10 ~~the registry available to law enforcement officers for~~  
11 ~~investigative purposes. for the recognition of concealed handgun~~  
12 ~~permits issued pursuant to this article.~~

13 ~~(f)~~ (e) Every twelve months after the effective date of this  
14 section, the West Virginia Attorney General shall make written  
15 inquiry of the concealed handgun licensing or permitting  
16 authorities in each other state as to: (i) Whether a West Virginia  
17 resident may carry a concealed handgun in their state based upon  
18 having a valid West Virginia concealed handgun permit; and (ii)  
19 whether a West Virginia resident may carry a concealed handgun in  
20 that state based upon having a valid West Virginia concealed  
21 handgun permit, pursuant to the laws of that state or by the  
22 execution of a valid reciprocity agreement between the states.

23 ~~(g)~~ (f) The West Virginia State Police shall make available to

1 the public a list of states which have entered into reciprocity  
2 agreements with the State of West Virginia or that allow residents  
3 of West Virginia who are licensed in West Virginia to carry a  
4 concealed deadly weapon to carry a concealed deadly weapon in that  
5 state.

NOTE: The purpose of this bill is to provide full faith and credit to a nonresident who has a permit or license to carry a handgun in his or her state when that state allows residents of West Virginia who are licensed in West Virginia to carry a concealed deadly weapon to carry a concealed deadly weapon in that other state.

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