

1 **Senate Bill No. 420**

2 (By Senators Nohe, Sypolt, Blair, Boley, Carmichael, Cole, D.
3 Hall and Walters)

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5 [Introduced March 4, 2013; referred to the Committee on he
6 Judiciary; and then to the Committee on Finance.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §61-7-16, relating to
12 creating the Firearm Protection Act; providing that any
13 federal law which attempts to ban semiautomatic firearms or to
14 limit the size of a magazine of a firearm or other limitation
15 on firearms in this state is unenforceable in West Virginia;
16 and providing for an effective date.

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

18 That the Code of West Virginia, 1931, as amended, be amended
19 by adding thereto a new section, designated §61-7-16, to read as
20 follows:

21 **ARTICLE 7. DANGEROUS WEAPONS.**

22 **§61-7-16. Firearm protection act.**

23 (a) A public servant, as defined by any section within the

1 Code of West Virginia, or dealer selling any firearm in this state
2 may not enforce or attempt to enforce any act, law, statute, rule or
3 regulation of the United States Government relating to a personal
4 firearm, firearm accessory or ammunition that is owned or
5 manufactured commercially or privately in West Virginia and that
6 remains exclusively within the borders of West Virginia.

7 (b) The Attorney General may defend a citizen of West Virginia
8 who is prosecuted by the United States Government for violation of
9 a federal law relating to the manufacture, sale, transfer or
10 possession of a firearm, a firearm accessory or ammunition owned or
11 manufactured and retained exclusively within the borders of West
12 Virginia.

13 (c) Any federal law, rule, regulation or order created or
14 effective on or after March 1, 2013, is unenforceable by state
15 officials within the borders of West Virginia if the law, rule,
16 regulation or order attempts to:

17 (1) Ban or restrict ownership of a semiautomatic firearm or
18 any magazine of a firearm; or

19 (2) Require any firearm, magazine or other firearm accessory
20 to be registered in any manner.

21 (d) A public servant or citizen of West Virginia may not be
22 prosecuted in the courts of the State of West Virginia for failing
23 to follow or enforce any law described in subsection (c) of this
24 section.

1 (e) This section is effective immediately upon completion of
2 all acts necessary for a bill to become law as provided by the Code
3 of West Virginia.

NOTE: The purpose of this bill is to create the "Firearm Protection Act" that provides that any federal law effective after March 1, 2013 which attempts to ban semiautomatic firearm or to limit the size of a magazine of a firearm or other limitation on firearms in this state is unenforceable in West Virginia. The bill also provides for an effective date.

§61-7-16 is new; therefore, strike-throughs and underscoring have been omitted.