

1 **Senate Bill No. 476**

2 (By Senators Barnes, Blair, Cole, Cookman, Green, Sypolt,
3 Williams, Stollings and D. Hall)

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5 [Introduced March 7, 2013; referred to the Committee on Natural
6 Resources; and then to the Committee on the Judiciary.]

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10 A BILL to amend and reenact §20-2-58 of the Code of West Virginia,
11 1931, as amended, relating to providing an exception to allow
12 a homeowner or tenant to discharge a firearm in a lawful
13 manner within five hundred feet of a dwelling house in which
14 that person lives if no other dwelling house is located within
15 five hundred feet of the person shooting; and raising the
16 distance within which a person can discharge a firearm from a
17 school or church from four hundred feet to five hundred feet.

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

19 That §20-2-58 of the Code of West Virginia, 1931, as amended,
20 be amended and reenacted to read as follows:

21 **ARTICLE 2. WILDLIFE RESOURCES.**

22 **§20-2-58. Shooting across road or near building or crowd;**

1 **penalty.**

2 It shall be unlawful for any person to shoot or discharge any
3 firearms across or in any public road in this state, at any time,
4 or within ~~four~~ five hundred feet of any schoolhouse or church, or
5 within five hundred feet of any dwelling house, or on or near any
6 park or other place where persons gather for purposes of pleasure,
7 and any person violating this section is guilty of a misdemeanor:
8 Provided, That a homeowner or tenant may shoot or discharge a
9 firearm in a lawful manner within five hundred feet of a dwelling
10 house in which that person lives if no other dwelling house is
11 located with five hundred feet of the person shooting: Provided,
12 however, That any person operating a gun repair shop, licensed to
13 do business in the State of West Virginia and duly licensed under
14 applicable federal statutes, may be exempted from the prohibition
15 established by this section and section twelve, article seven,
16 chapter sixty-one of this code for the purpose of test firing a
17 firearm. The director of the ~~department~~ Division of Natural
18 Resources shall prescribe such rules as may be necessary to carry
19 out the purpose of the exemption under this section and section
20 twelve, article seven, chapter sixty-one and shall ensure that any
21 person residing in any dwelling home within five hundred feet of
22 such gun repair shop be given an opportunity to protest the
23 granting of such exemption.

NOTE: The purpose of this bill is to provide an exception to allow a homeowner or tenant to shoot a firearm in a lawful manner within five hundred feet of a dwelling house in which that person lives if no other dwelling house is located within five hundred feet of the person shooting. The bill also corrects an anomaly that allows a person to shoot a firearm at a closer distance to a school or church than to a dwelling house. This bill raises the distance for a school or church from 400 feet to 500 feet to bring it into conformity with the 500 feet shooting distance for dwelling houses.

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