

1 **H. B. 4200**

2
3 (By Delegates Howell, Romine, Pasdon,
4 Hamrick, Border, Folk, Householder,
5 Ireland, Storch, Ferns and Evans, D.)
6

7 [Introduced January 16, 2014; referred to the
8 Committee on Political Subdivisions then the Judiciary.]
9

10 A BILL to amend and reenact §61-6-19 of the Code of West Virginia,
11 1931, as amended; and to amend said code by adding thereto a
12 new section, designated §61-7-11b, all relating to possession
13 of concealed deadly weapons in certain buildings owned by the
14 state, its political subdivisions or municipalities; providing
15 that the carrying of a concealed deadly weapon may not be
16 prohibited in a state or municipal building that has adequate
17 security measures; exemptions; providing limited immunity to
18 the state and municipalities; providing definitions;
19 exemptions for certain buildings.

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

21 That §61-6-19 of the Code of West Virginia, 1931, as amended,
22 be amended and reenacted; and that said code be amended by adding
23 thereto a new section, designated §61-7-11b, all to read as follows:

24 **ARTICLE 6. CRIMES AGAINST THE PEACE.**

25 **§61-6-19. Willful disruption of governmental processes; offenses**

1 **occurring at state capitol complex; penalties.**

2 (a) If any person willfully interrupts or molests the orderly
3 and peaceful process of any department, division, agency or branch
4 of state government or of its political subdivisions, he or she is
5 guilty of a misdemeanor and, upon conviction thereof, shall be
6 fined not more than \$100, or imprisoned in the county or regional
7 jail not more than six months, or both fined and imprisoned:
8 *Provided*, That any assembly in a peaceable, lawful and orderly
9 manner for a redress of grievances shall not be a violation of this
10 section.

11 (b) Except as provided in section eleven-b, article seven of
12 this chapter, it is unlawful for any person to bring upon the state
13 Capitol complex any weapon as defined by the provisions of section
14 two, article seven of this chapter. It is unlawful for any person
15 to willfully deface any trees, wall, floor, stairs, ceiling,
16 column, statue, monument, structure, surface, artwork or adornment
17 in the state Capitol complex. It is unlawful for any person or
18 persons to willfully block or otherwise willfully obstruct any
19 public access, stair or elevator in the state capitol complex after
20 being asked by a law-enforcement officer acting in his or her
21 official capacity to desist: *Provided*, That in order to preserve
22 the constitutional right of the people to assemble, it is not
23 willful blocking or willful obstruction for persons gathered in a
24 group or crowd, if the persons move to the side or part to allow

1 other persons to pass by the group or crowd to gain ingress or
2 egress: *Provided, however,* That this subsection shall not apply to
3 a law-enforcement officer acting in his or her official capacity.

4 Any person who violates any provision of this subsection is
5 guilty of a misdemeanor and, upon conviction thereof, shall be
6 fined not less than \$100 or confined in the county or regional jail
7 not more than six months, or both.

8 **ARTICLE 7. DANGEROUS WEAPONS.**

9 **§61-7-11b. Possession of concealed deadly weapons in state and**
10 **municipal buildings.**

11 (a) The carrying of a concealed deadly weapon as authorized by
12 this article may not be prohibited in any state or municipal
13 building unless the building has adequate security measures to
14 ensure that no weapons are permitted to be carried into the
15 building and the building is conspicuously posted.

16 (b) Any state or municipal building which contains both public
17 access entrances and restricted access entrances shall provide
18 adequate security measures at the public access entrances in order
19 to prohibit the carrying of any weapons into the building.

20 (c) No state agency or municipality may prohibit an employee
21 who is licensed to carry a concealed deadly weapon under the
22 provisions of this article from carrying the concealed deadly
23 weapon at the employee's work place unless the building has

1 adequate security measures and the building is conspicuously
2 posted.

3 (d) It is not a violation of this article for a person to
4 carry a concealed deadly weapon into a state or municipal building
5 so long as that person is licensed to carry a concealed deadly
6 weapon pursuant to the provisions of this article and has
7 authority to enter through a restricted access entrance into the
8 building which provides adequate security measures and the building
9 is conspicuously posted.

10 (e) A state agency or municipality which provides adequate
11 security measures in a state or municipal building and which
12 conspicuously posts signage prohibiting the carrying of a concealed
13 deadly weapon on the premises of the building, as authorized by
14 this article, is not liable for any wrongful act or omission
15 relating to actions of persons licensed to carry a concealed deadly
16 weapon concerning acts or omissions regarding the concealed deadly
17 weapons.

18 (f) A state agency or municipality which does not provide
19 adequate security measures in a state or municipal building and
20 which allows the carrying of a concealed deadly weapon as
21 authorized by this article is not liable for any wrongful act or
22 omission relating to actions of persons licensed to carry a
23 concealed deadly weapon concerning acts or omissions regarding the
24 concealed deadly weapons.

1 (g) Subject to provisions of subsection (b), nothing in this
2 section limits the ability of a corrections facility, a jail
3 facility or a law-enforcement agency to prohibit the carrying of a
4 concealed deadly weapon by any person into any building located on
5 the premises.

6 (h) (1) The governing body or the chief administrative officer,
7 if no governing body exists, of a state or municipal building, may
8 exempt the building from this section until January 1, 2015, by
9 notifying the Attorney General and the law-enforcement agency of
10 the local jurisdiction by letter of the exemption. Thereafter, the
11 governing body or chief administrative officer may exempt a state
12 or municipal building for a period of four years by adopting a
13 resolution, or drafting a letter, listing the legal description of
14 the building, listing the reasons for the exemption, and including
15 the following statement: "A security plan has been developed for
16 the building being exempted which supplies adequate security to the
17 occupants of the building and merits the prohibition of the
18 carrying of a concealed deadly weapon as authorized by article
19 seven, chapter sixty-one of the code of West Virginia." A copy of
20 the security plan for the building shall be maintained on file and
21 shall be made available, upon request, to the Attorney General and
22 the law-enforcement agency of local jurisdiction. Notice of this
23 exemption, together with the resolution adopted or the letter
24 drafted, shall be sent to the Attorney General and to the law-

1 enforcement agency of local jurisdiction. The security plan is not
2 subject to disclosure under the provisions of chapter twenty-nine-b
3 of this code.

4 (2) As used in this section:

5 "Adequate security measures" means the use of electronic
6 equipment and personnel at public entrances to detect and restrict
7 the carrying of any weapons into the state or municipal building,
8 including, but not limited to, metal detectors, metal detector
9 wands or any other equipment used for similar purposes to ensure
10 that weapons are not permitted to be carried into the building by
11 members of the public. Adequate security measures for storing and
12 securing lawfully carried weapons, including, but not limited to,
13 the use of gun lockers or other similar storage options shall be
14 provided at public entrances.

15 "Municipality" and "municipal" are interchangeable terms and
16 have the same meaning as the term "municipality" is defined in
17 section two, article one, chapter eight of this code.

18 "Restricted access entrance" means an entrance that is
19 restricted to the public and requires a key, keycard, code, or
20 similar device to allow entry to authorized personnel.

21 "State" means the State of West Virginia and its political
22 subdivisions.

23 "State or municipal building" means a building owned or leased
24 by the State of West Virginia and any political subdivision

1 thereof, excluding however, the following:

2 (i) Premises of educational facilities in which the possession
3 of a firearm or any other deadly weapon is prohibited pursuant to
4 section eleven-a of this article; or

5 (ii) A building owned by the state or any political
6 subdivision thereof or a municipality which is leased by a private
7 entity whether for profit or not for profit or a building held in
8 title by the state or a municipality solely for reasons of revenue
9 bond financing.

NOTE: The purpose of this bill is to provide that the carrying of a concealed deadly weapon may not be prohibited in a state or municipal building that has adequate security measures; providing limited immunity to the state and municipalities; definitions; exemptions.

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

Section 61-7-11b is new; therefore, it has been completely underscored.