

1 **H. B. 4250**

2
3 (By Delegates Folk, Walker, Lynch, Williams,
4 Shott, Kump, Manypenny, Howell, Faircloth,
5 Householder and Butler)
6

7 [Introduced January 21, 2014; referred to the
8 Committee on the Judiciary then Finance.]
9

10 A BILL to amend and reenact §61-7-6 and §61-7-6a of the Code of
11 West Virginia, 1931, as amended, all relating to exceptions to
12 prohibitions against carrying concealed handguns and
13 reciprocity agreements for concealed carry; and providing that
14 any law-abiding citizen eighteen years of age or older may
15 carry a concealed weapon within the boundaries of the state
16 without first obtaining a concealed carry permit.

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

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

20 **ARTICLE 7. DANGEROUS WEAPONS.**

21 **§61-7-6. Exceptions as to prohibitions against carrying concealed**
22 **handguns; exemptions from licensing fees.**

23 (a) The licensure provisions set forth in this article do not
24 apply to:

25 (1) Any person:

1 ~~(A) Carrying a deadly weapon upon his or her own premises;~~

2 ~~(B) Carrying a firearm, unloaded, from the place of purchase~~
3 ~~to his or her home, residence or place of business or to a place of~~
4 ~~repair and back to his or her home, residence or place of business;~~
5 or

6 ~~(C) Possessing a firearm while hunting in a lawful manner or~~
7 ~~while traveling from his or her home, residence or place of~~
8 ~~business to a hunting site and returning to his or her home,~~
9 ~~residence or place of business eighteen years of age or older, who~~
10 ~~may lawfully possess a firearm or other deadly weapon;~~

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

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

24 (4) Any employee of the West Virginia Division of Corrections

1 duly appointed pursuant to the provisions of section eleven-c,
2 article one, chapter twenty-five of this code while the employee is
3 on duty;

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

6 (6) Any resident of another state who holds a valid permit or
7 license to possess or carry a handgun issued by a state or a
8 political subdivision subject to the provisions and limitations set
9 forth in section six-a of this article;

10 (7) Any federal law-enforcement officer or federal police
11 officer authorized to carry a weapon in the performance of the
12 officer's duty;

13 (8) Any Hatfield-McCoy Regional Recreation Authority Ranger
14 while the ranger is on duty; and

15 (9) Any parole officer appointed pursuant to section fourteen,
16 article twelve, chapter sixty-two of this code in the performance
17 of their duties.

18 (b) On and after July 1, 2013, the following judicial officers
19 and prosecutors and staff shall be exempted from paying any
20 application fees or licensure fees required under this article:—
21 ~~However, on and after that same date, they shall be required to~~
22 ~~make application and satisfy all licensure and handgun safety and~~
23 ~~training requirements set forth in section four of this article~~
24 ~~before carrying a concealed handgun in this state:~~

1 (1) Any justice of the Supreme Court of Appeals of West
2 Virginia;

3 (2) Any circuit judge;

4 (3) Any retired justice or retired circuit judge designated
5 senior status by the Supreme Court of Appeals of West Virginia;

6 (4) Any family court judge;

7 (5) Any magistrate;

8 (6) Any prosecuting attorney;

9 (7) Any assistant prosecuting attorney; or

10 (8) Any duly appointed investigator employed by a prosecuting
11 attorney.

12 **§61-7-6a. Reciprocity and recognition; out-of-state concealed**
13 **handgun permits.**

14 (a) A valid out-of-state permit or license to possess or carry
15 a handgun is valid in this state for the carrying of a concealed
16 handgun, if the following conditions are met:

17 (1) The permit or license holder is twenty-one years of age or
18 older;

19 (2) The permit or license is in his or her immediate
20 possession;

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

23 (4) The Attorney General has been notified by the Governor of
24 the other state that the other state allows residents of West

1 Virginia who are licensed in West Virginia to carry a concealed
2 handgun to carry a concealed handgun in that state or the Attorney
3 General has entered into a written reciprocity agreement with the
4 appropriate official of the other state whereby the state agrees to
5 honor West Virginia concealed handgun licenses in return for same
6 treatment in this state.

7 (b) A holder of a valid permit or license from another state
8 who is authorized to carry a concealed handgun in this state
9 pursuant to provisions of this section is subject to the same laws
10 and restrictions with respect to carrying a concealed handgun as a
11 resident of West Virginia who is so permitted and must carry the
12 concealed handgun in compliance with the laws of this state.

13 (c) A license or permit from another state is not valid in
14 this state if the holder is or becomes prohibited by law from
15 possessing a firearm.

16 (d) The West Virginia Attorney General shall seek to obtain
17 recognition of West Virginia concealed handgun licenses and enter
18 into and execute reciprocity agreements on behalf of the State of
19 West Virginia with states for the recognition of concealed handgun
20 permits issued pursuant to this article.

21 (e) The West Virginia State Police shall maintain a registry
22 of states with which the State of West Virginia has entered into
23 reciprocity agreements or which recognize West Virginia concealed
24 handgun licenses on the criminal information network and make the

1 registry available to law-enforcement officers for investigative
2 purposes.

3 (f) Every twelve months after the effective date of this
4 section, the West Virginia Attorney General shall make written
5 inquiry of the concealed handgun licensing or permitting
6 authorities in each other state as to: (i) Whether a West Virginia
7 resident may carry a concealed handgun in their state based upon
8 having a valid West Virginia concealed handgun permit; ~~and~~ (ii)
9 whether a West Virginia resident may carry a concealed handgun in
10 their state based upon that state's law permitting law-abiding
11 citizens to carry a concealed handgun without a license and (iii)
12 whether a West Virginia resident may carry a concealed handgun in
13 that state based upon having a valid West Virginia concealed
14 handgun permit, pursuant to the laws of that state or by the
15 execution of a valid reciprocity agreement between the states.

16 (g) The West Virginia State Police shall make available to the
17 public a list of states which have entered into reciprocity
18 agreements with the State of West Virginia or that allow residents
19 of West Virginia who are licensed in West Virginia to carry a
20 concealed handgun to carry a concealed handgun in that state.

NOTE: The purpose of this bill is to provide that any law-abiding citizen eighteen years of age or older may carry a concealed weapon within the boundaries of the state without first obtaining a concealed carry permit.

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