

1 of the citizens of this state are inextricably dependent upon
2 assurances of safety for children attending and persons employed by
3 schools in this state and for persons employed by the judicial
4 department of this state. It is for the purpose of providing
5 assurances of safety that subsections (b), (g) and (h) of this
6 section are enacted as a reasonable regulation of the manner in
7 which citizens may exercise the rights accorded to them pursuant to
8 section twenty-two, article three of the Constitution of the State
9 of West Virginia.

10 (b) (1) It is unlawful for a person to possess a firearm or
11 other deadly weapon on a school bus as defined in section one,
12 article one, chapter seventeen-a of this code, or in or on a public
13 or private primary or secondary education building, structure,
14 facility or grounds including a vocational education building,
15 structure, facility or grounds where secondary vocational education
16 programs are conducted or at a school-sponsored function.

17 (2) This subsection does not apply to:

18 (A) A law-enforcement officer acting in his or her official
19 capacity;

20 (B) A law-enforcement officer, acting as security for the
21 school, who has met all the requirements set forth by the
22 applicable law-enforcement agency regulating the handling and use
23 of a firearm and who has qualified with that firearm to the
24 standards set by that law-enforcement agency;

1 ~~(B)~~ (C) A person specifically authorized by the board of
2 education of the county or principal of the school where the
3 property is located to conduct programs with valid educational
4 purposes;

5 ~~(C)~~ (D) A person who, as otherwise permitted by the provisions
6 of this article, possesses an unloaded firearm or deadly weapon in
7 a motor vehicle or leaves an unloaded firearm or deadly weapon in
8 a locked motor vehicle;

9 ~~(D)~~ (E) Programs or raffles conducted with the approval of the
10 county board of education or school which include the display of
11 unloaded firearms;

12 ~~(E)~~ (F) The official mascot of West Virginia University,
13 commonly known as the Mountaineer, acting in his or her official
14 capacity; or

15 ~~(F)~~ (G) The official mascot of Parkersburg South High School,
16 commonly known as the Patriot, acting in his or her official
17 capacity.

18 (3) A person violating this subsection is guilty of a felony
19 and, upon conviction thereof, shall be imprisoned in a state
20 correctional facility for a definite term of years of not less than
21 two years nor more than ten years, or fined not more than \$5,000,
22 or both.

23 (c) It is the duty of the principal of each school subject to
24 the authority of the State Board of Education to report a violation

1 of subsection (b) of this section discovered by the principal to
2 the State Superintendent of Schools within seventy-two hours after
3 the violation occurs. The State Board of Education shall keep and
4 maintain these reports and may prescribe rules establishing policy
5 and procedures for the making and delivery of the reports as
6 required by this subsection. In addition, it is the duty of the
7 principal of each school subject to the authority of the State
8 Board of Education to report a violation of subsection (b) of this
9 section discovered by the principal to the appropriate local office
10 of the Division of Public Safety within seventy-two hours after the
11 violation occurs.

12 (d) In addition to the methods of disposition provided by
13 article five, chapter forty-nine of this code, a court which
14 adjudicates a person who is fourteen years of age or older as
15 delinquent for a violation of subsection (b) of this section may,
16 in its discretion, order the Division of Motor Vehicles to suspend
17 a driver's license or instruction permit issued to the person for
18 a period of time as the court considers appropriate, not to extend
19 beyond the person's nineteenth birthday. Where the person has not
20 been issued a driver's license or instruction permit by this state,
21 a court may order the Division of Motor Vehicles to deny the
22 person's application for a license or permit for a period of time
23 as the court considers appropriate, not to extend beyond the
24 person's nineteenth birthday. A suspension ordered by the court

1 pursuant to this subsection is effective upon the date of entry of
2 the order. Where the court orders the suspension of a driver's
3 license or instruction permit pursuant to this subsection, the
4 court shall confiscate any driver's license or instruction permit
5 in the adjudicated person's possession and forward to the Division
6 of Motor Vehicles.

7 (e) (1) If a person eighteen years of age or older is
8 convicted of violating subsection (b) of this section, and if the
9 person does not act to appeal the conviction within the time
10 periods described in subdivision (2) of this subsection, the
11 person's license or privilege to operate a motor vehicle in this
12 state shall be revoked in accordance with the provisions of this
13 section.

14 (2) The clerk of the court in which the person is convicted as
15 described in subdivision (1) of this subsection shall forward to
16 the commissioner a transcript of the judgment of conviction. If
17 the conviction is the judgment of a magistrate court, the
18 magistrate court clerk shall forward the transcript when the person
19 convicted has not requested an appeal within twenty days of the
20 sentencing for the conviction. If the conviction is the judgment
21 of a circuit court, the circuit clerk shall forward a transcript of
22 the judgment of conviction when the person convicted has not filed
23 a notice of intent to file a petition for appeal or writ of error
24 within thirty days after the judgment was entered.

1 (3) If, upon examination of the transcript of the judgment of
2 conviction, the commissioner determines that the person was
3 convicted as described in subdivision (1) of this subsection, the
4 commissioner shall make and enter an order revoking the person's
5 license or privilege to operate a motor vehicle in this state for
6 a period of one year or, in the event the person is a student
7 enrolled in a secondary school, for a period of one year or until
8 the person's twentieth birthday, whichever is the greater period.
9 The order shall contain the reasons for the revocation and the
10 revocation period. The order of suspension shall advise the person
11 that because of the receipt of the court's transcript, a
12 presumption exists that the person named in the order of suspension
13 is the same person named in the transcript. The commissioner may
14 grant an administrative hearing which substantially complies with
15 the requirements of the provisions of section two, article five-a,
16 chapter seventeen-c of this code upon a preliminary showing that a
17 possibility exists that the person named in the notice of
18 conviction is not the same person whose license is being suspended.
19 The request for hearing shall be made within ten days after receipt
20 of a copy of the order of suspension. The sole purpose of this
21 hearing is for the person requesting the hearing to present
22 evidence that he or she is not the person named in the notice. If
23 the commissioner grants an administrative hearing, the commissioner
24 shall stay the license suspension pending the commissioner's order

1 resulting from the hearing.

2 (4) For the purposes of this subsection, a person is convicted
3 when such person enters a plea of guilty or is found guilty by a
4 court or jury.

5 (f) (1) It is unlawful for a parent, guardian or custodian of
6 a person less than eighteen years of age who knows that the person
7 is in violation of subsection (b) of this section or has reasonable
8 cause to believe that the person's violation of subsection (b) is
9 imminent, to fail to immediately report his or her knowledge or
10 belief to the appropriate school or law-enforcement officials.

11 (2) A person violating this subsection is guilty of a
12 misdemeanor and, upon conviction thereof, shall be fined not more
13 than \$1,000, or shall be confined in jail not more than one year,
14 or both.

15 (g) (1) It is unlawful for a person to possess a firearm or
16 other deadly weapon on the premises of a court of law, including
17 family courts.

18 (2) This subsection does not apply to:

19 (A) A law-enforcement officer acting in his or her official
20 capacity; and

21 (B) A person exempted from the provisions of this subsection
22 by order of record entered by a court with jurisdiction over the
23 premises or offices.

24 (3) A person violating this subsection is guilty of a

1 misdemeanor and, upon conviction thereof, shall be fined not more
2 than \$1,000, or shall be confined in jail not more than one year,
3 or both.

4 (h) (1) It is unlawful for a person to possess a firearm or
5 other deadly weapon on the premises of a court of law, including
6 family courts, with the intent to commit a crime.

7 (2) A person violating this subsection is guilty of a felony
8 and, upon conviction thereof, shall be imprisoned in a state
9 correctional facility for a definite term of years of not less than
10 two years nor more than ten years, or fined not more than \$5,000,
11 or both.

12 (i) Nothing in this section may be construed to be in conflict
13 with the provisions of federal law.

NOTE: The purpose of this bill is to provide that law-enforcement officers employed as school security be allowed to carry firearms on school property if certain conditions are met.

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