

1 **Senate Bill No. 367**

2 (By Senators Palumbo, Kessler (Mr. President), Plymale,
3 Fitzsimmons and Wells)

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5 [Introduced January 16, 2014; referred to the Committee on the
6 Judiciary.]
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11 A BILL to amend and reenact §61-7-14 of the Code of West Virginia,
12 1931, as amended, relating to the right of judges and
13 prosecutors to carry firearms on certain premises while acting
14 in their official capacity; and amending an incorrect cross
15 reference in the code as a result of an amendment in 2013.

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

17 That §61-7-14 of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted to read as follows:

19 **ARTICLE 7. DANGEROUS WEAPONS.**

20 **§61-7-14. Right of certain persons to limit possession of**
21 **firearms on premises.**

22 Notwithstanding the provisions of this article, any owner,
23 lessee or other person charged with the care, custody and control

1 of real property may prohibit the carrying openly or concealed of
2 any firearm or deadly weapon on property under his or her domain:
3 *Provided*, That for purposes of this section "person" means an
4 individual or any entity which may acquire title to real property.

5 Any person carrying or possessing a firearm or other deadly
6 weapon on the property of another who refuses to temporarily
7 relinquish possession of ~~such the~~ firearm or other deadly weapon,
8 upon being requested to do so, or to leave ~~such the~~ premises, while
9 in possession of ~~such the~~ firearm or other deadly weapon, ~~shall be~~
10 is guilty of a misdemeanor and, upon conviction thereof, shall be
11 fined not more than \$1,000 or confined in ~~the county~~ jail not more
12 than six months, or both fined and confined: *Provided*, That the
13 provisions of this section ~~shall~~ does not apply to those persons
14 set forth in ~~subsections (3) through (6) of section six of this~~
15 ~~code~~ subdivisions (3) through (5) of subsection (a) and
16 subdivisions (1) through (8) of subsection (b) of section six of
17 this article while ~~such those~~ persons are acting in an official
18 capacity: *Provided, however*, That under no circumstances may any
19 person possess or carry or cause the possession or carrying of any
20 firearm or other deadly weapon on the premises of any primary or
21 secondary educational facility in this state unless such person is
22 a law-enforcement officer or he or she has the express written
23 permission of the county school superintendent.

NOTE: The purpose of this bill is to restore the rights of judges and prosecutors to carry firearms on private property by fixing code references that need updated following a bill that passed the 2013 regular session.

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