



1                   **weapons on premises housing courts of law and in**  
2                   **family courts.**

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

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

20           (2) This subsection does not apply to:

21           (A) A law-enforcement officer acting in his or her official  
22 capacity;

23           (B) A law-enforcement officer, acting as security for the

1 school, who has met all the requirements set forth by the  
2 applicable law-enforcement agency regulating the handling and use  
3 of a firearm and who has qualified with that firearm to the  
4 standards set by that law-enforcement agency;

5 ~~(B)~~ (C) A person specifically authorized by the board of  
6 education of the county or principal of the school where the  
7 property is located to conduct programs with valid educational  
8 purposes;

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

13 ~~(D)~~ (E) Programs or raffles conducted with the approval of the  
14 county board of education or school which include the display of  
15 unloaded firearms;

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

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

22 (3) A person violating this subsection is guilty of a felony  
23 and, upon conviction thereof, shall be imprisoned in a state

1 correctional facility for a definite term of years of not less than  
2 two years nor more than ten years, or fined not more than \$5,000,  
3 or both.

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

17 (d) In addition to the methods of disposition provided by  
18 article five, chapter forty-nine of this code, a court which  
19 adjudicates a person who is fourteen years of age or older as  
20 delinquent for a violation of subsection (b) of this section may,  
21 in its discretion, order the Division of Motor Vehicles to suspend  
22 a driver's license or instruction permit issued to the person for  
23 a period of time as the court considers appropriate, not to extend

1 beyond the person's nineteenth birthday. Where the person has not  
2 been issued a driver's license or instruction permit by this state,  
3 a court may order the Division of Motor Vehicles to deny the  
4 person's application for a license or permit for a period of time  
5 as the court considers appropriate, not to extend beyond the  
6 person's nineteenth birthday. A suspension ordered by the court  
7 pursuant to this subsection is effective upon the date of entry of  
8 the order. Where the court orders the suspension of a driver's  
9 license or instruction permit pursuant to this subsection, the  
10 court shall confiscate any driver's license or instruction permit  
11 in the adjudicated person's possession and forward to the Division  
12 of Motor Vehicles.

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

20       (2) The clerk of the court in which the person is convicted as  
21 described in subdivision (1) of this subsection shall forward to  
22 the commissioner a transcript of the judgment of conviction. If  
23 the conviction is the judgment of a magistrate court, the

1 magistrate court clerk shall forward the transcript when the person  
2 convicted has not requested an appeal within twenty days of the  
3 sentencing for the conviction. If the conviction is the judgment  
4 of a circuit court, the circuit clerk shall forward a transcript of  
5 the judgment of conviction when the person convicted has not filed  
6 a notice of intent to file a petition for appeal or writ of error  
7 within thirty days after the judgment was entered.

8       (3) If, upon examination of the transcript of the judgment of  
9 conviction, the commissioner determines that the person was  
10 convicted as described in subdivision (1) of this subsection, the  
11 commissioner shall make and enter an order revoking the person's  
12 license or privilege to operate a motor vehicle in this state for  
13 a period of one year or, in the event the person is a student  
14 enrolled in a secondary school, for a period of one year or until  
15 the person's twentieth birthday, whichever is the greater period.  
16 The order shall contain the reasons for the revocation and the  
17 revocation period. The order of suspension shall advise the person  
18 that because of the receipt of the court's transcript, a  
19 presumption exists that the person named in the order of suspension  
20 is the same person named in the transcript. The commissioner may  
21 grant an administrative hearing which substantially complies with  
22 the requirements of the provisions of section two, article five-a,  
23 chapter seventeen-c of this code upon a preliminary showing that a

1 possibility exists that the person named in the notice of  
2 conviction is not the same person whose license is being suspended.  
3 The request for hearing shall be made within ten days after receipt  
4 of a copy of the order of suspension. The sole purpose of this  
5 hearing is for the person requesting the hearing to present  
6 evidence that he or she is not the person named in the notice. If  
7 the commissioner grants an administrative hearing, the commissioner  
8 shall stay the license suspension pending the commissioner's order  
9 resulting from the hearing.

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

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

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

23 (g) (1) It is unlawful for a person to possess a firearm or

1 other deadly weapon on the premises of a court of law, including  
2 family courts.

3 (2) This subsection does not apply to:

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

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

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

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

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

21 (I) Nothing in this section may be construed to be in conflict  
22 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.