

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4618**

BY DELEGATES STEELE, DEAN, HOWELL, HOUSEHOLDER,

SUMMERS, PACK, PHILLIPS, KESSINGER, J. JEFFRIES,

FOSTER AND GRAVES

[Introduced January 30, 2020; Referred to the

Committee on the Judiciary.]



1 A BILL to amend and reenact §61-7-10 of the Code of West Virginia, 1931, as amended, relating  
2 to removing from the code, language prohibiting the public display and offering for rent or  
3 sale to a passersby on a street, road or alley, any deadly weapon, machine gun,  
4 submachine gun or other fully automatic weapon, any rifle, shotgun, or ammunition for  
5 same.

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

**ARTICLE 7. DANGEROUS WEAPONS.**

**§61-7-10. ~~Display of~~ Deadly weapons for sale or hire; sale to prohibited persons; penalties.**

1 ~~(a) A person may not publicly display and offer for rent or sale, or, where the person is~~  
2 ~~other than a natural person, knowingly permit an employee thereof to publicly display and offer~~  
3 ~~for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun,~~  
4 ~~submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same~~

5 ~~(b) (a)~~ Any person who violates the provisions of ~~subsections (a) or c)~~ subsection (b) of  
6 this section ~~shall be~~ is guilty of a misdemeanor and, upon conviction thereof, shall be fined not  
7 more than \$5,000 or ~~shall be~~ confined in ~~the county~~ jail for not more than one year, or both fined  
8 and confined, except that where the person violating ~~the provisions of said subsections~~ subsection  
9 (b) is other than a natural person, ~~such~~ the person shall be fined not more than \$10,000.

10 ~~(c) (b)~~ A person may not knowingly sell, rent, give or lend, or, where the person is other  
11 than a natural person, knowingly permit an employee thereof to knowingly sell, rent, give or lend,  
12 any deadly weapon other than a firearm to a person prohibited from possessing a deadly weapon  
13 other than a firearm by any provision of this article.

14 ~~(d) (c)~~ A person may not knowingly sell, rent, give or lend, or where the person is other  
15 than a natural person, knowingly permit an employee thereof to knowingly sell, rent give or lend  
16 a firearm or ammunition to a person prohibited by any provision of this article or the provisions of  
17 18 U.S.C. §922.

18           ~~(e)~~ (d) Any person who violates any of the provisions of subsection ~~(d)~~ (c) of this section  
19 is guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000,  
20 imprisoned in a state correctional facility for a definite term of years of not less than three years  
21 nor more than 10 years, or both fined and imprisoned, except that where the person committing  
22 an offense punishable under this subsection is other than a natural person, ~~such~~ the person shall  
23 be fined not more than \$250,000.

24           ~~(f)~~ (e) Any person who knowingly solicits, persuades, encourages or entices a licensed  
25 dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under  
26 circumstances which the person knows would violate the laws of this state or the United States is  
27 guilty of a felony. Any person who willfully procures another to engage in conduct prohibited by  
28 this subsection shall be punished as a principal. This subsection does not apply to a law-  
29 enforcement officer acting in his or her official capacity. Any person who violates the provisions  
30 of this subsection is guilty of a felony and, upon conviction thereof, shall be fined not more than  
31 \$5,000, imprisoned in a state correctional facility for a definite term or not less than one year nor  
32 more than five years, or both fined and imprisoned.

NOTE: The purpose of this bill is to remove from the code language prohibiting the public display and offering for rent or sale to a passersby on a street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

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