

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 28

SENATOR MARONEY, *original sponsor*

[Originating in the Committee on the Judiciary;

reported on February 24, 2020]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §30-3-19, relating to permitting West Virginia Board of Medicine investigators
3 to carry a concealed weapon; establishing procedures and criteria for allowing
4 investigators to carry a concealed weapon; and limiting liability for good faith acts or
5 omissions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

**§30-3-19. West Virginia Board of Medicine investigators' authority to carry concealed
weapon.**

1 (a) Notwithstanding any provision of this code to the contrary, the board may allow,
2 consistent with this section, an investigator employed or contracted by the board to carry a
3 concealed firearm while performing his or her official duties.

4 (b) An investigator employed by the board or contracted by the board may carry a
5 concealed firearm while performing his or her official duties solely for the purposes of defense of
6 self or others if the investigator has:

7 (1) Obtained approval by a majority vote of the board;

8 (2) Been determined not to be prohibited from possessing a firearm under state or federal
9 law;

10 (3) Obtained and maintains a concealed handgun license pursuant to §61-7-1 et seq. of
11 this code; and

12 (4) Successfully completed a firearms training and certification program equivalent to that
13 provided to officers attending an entry level law-enforcement certification course provided at the
14 West Virginia State Police Academy. The investigator must thereafter successfully complete an
15 annual firearms qualification course equivalent to that required of certified law-enforcement
16 officers as established by legislative rule. The board may reimburse the investigator for the cost
17 of the training and requalification.

18 (c) Neither the state, a political subdivision, an agency, nor an employee of the state acting
19 in an official capacity may be held personally liable for an act of an investigator employed by the
20 board if the act or omission was done in good faith while the investigator was performing official
21 duties on behalf of the board.