

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2828

BY DELEGATES HANNA, HAYNES, HOLSTEIN, BARNHART,

MARTIN, WAMSLEY, PRITT, BRIDGES AND PHILLIPS

[Introduced March 02, 2021; Referred to the

Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §61-7-18, relating to creating the “Firearm Protection Act”; providing that any
 3 federal law which attempts to ban semiautomatic firearms or to limit the size of a magazine
 4 of a firearm or other limitation on firearms in this state is unenforceable in West Virginia;
 5 and providing an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-18. Firearm Protection Act.

1 (a) A public servant, as defined by any section within this code, or dealer selling any
 2 firearm in this state may not enforce or attempt to enforce any act, law, statute, rule, or regulation
 3 of the United States Government relating to a personal firearm, firearm accessory or ammunition
 4 that is owned or manufactured commercially or privately in West Virginia and that remains
 5 exclusively within the borders of West Virginia.

6 (b) The Attorney General may defend a citizen of West Virginia who is prosecuted by the
 7 United States Government for violation of a federal law relating to the manufacture, sale, transfer,
 8 or possession of a firearm, a firearm accessory, or ammunition owned or manufactured and
 9 retained exclusively within the borders of West Virginia.

10 (c) Any federal law, rule, regulation, or order created or effective on or after January 1,
 11 2021, is unenforceable by state officials within the borders of West Virginia if the law, rule,
 12 regulation, or order attempts to:

- 13 (1) Ban or restrict ownership of a semiautomatic firearm or any magazine of a firearm; or
- 14 (2) Require any firearm, magazine, or other firearm accessories to be registered in any
 15 manner.

16 (d) A public servant or citizen of West Virginia may not be prosecuted in the courts of the
 17 State of West Virginia for failing to follow or enforce any law described in subsection (c) of this
 18 section.

19 (e) This section is effective immediately upon completion of all acts necessary for a bill to
20 become law as provided by the Code of West Virginia.

NOTE: The purpose of this bill is to create the “Firearm Protection Act” that provides that any federal law effective after January 1, 2021, which attempts to ban semiautomatic firearms or to limit the size of a magazine of a firearm or other limitation on firearms in this state is unenforceable in West Virginia. The bill also provides an effective date.

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