

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4052

BY DELEGATES SMITH, STEELE, D. JEFFRIES,
HOUSEHOLDER, HORST, PHILLIPS, HOWELL, ELLINGTON,
ROHRBACH, BROWN, AND DEAN

[Introduced January 12, 2022; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended; and to
 2 amend said code by adding thereto a new section, designated §61-7-18, all relating to
 3 carrying a concealed handgun by off duty or retired law-enforcement officers; authorizing
 4 off duty or retired law-enforcement officers to conceal carry on and in the State Capitol
 5 Complex; and to define terms.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

**§61-6-19. Willful disruption of governmental processes; offenses occurring at State Capitol
 Complex; penalties.**

1 (a) If any person willfully interrupts or molests the orderly and peaceful process of any
 2 department, division, agency, or branch of state government or of its political subdivisions, he or
 3 she is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100,
 4 or confined in jail not more than six months, or both fined and confined: *Provided*, That any
 5 assembly in a peaceable, lawful, and orderly manner for a redress of grievances is not a violation
 6 of this section.

7 (b) Restrictions/Authorizations.

8 (1) It is unlawful for any person to bring upon the State Capitol Complex any deadly
 9 weapon as defined in §61-7-2 of this code: *Provided*, That a person who may lawfully possess a
 10 firearm may keep a firearm in his or her motor vehicle upon the State Capitol Complex if the
 11 vehicle is locked and the weapon is out of normal view: *Provided, however*, That a person may
 12 not carry upon the State Capitol Complex, a cannister of pepper spray as defined in §61-7-2 of
 13 this code that exceeds one ounce.

14 (2) A person who meets the requirements of §61-7-18 of this code to carry a concealed
 15 handgun is permitted to carry same on the grounds and in the Capitol building with restrictions:

16 (A) Governor's office, not allowed.

17 (B) Supreme Court, not allowed.

18 (C) Legislators may post signs designating their Capitol office as a gun-free zone.

19 (D) State Senate and House of Delegates committees may develop firearms rules for the
20 gallery in their respective chambers.

21 (3) It is unlawful for any person to willfully deface any trees, wall, floor, stairs, ceiling,
22 column, statue, monument, structure, surface, artwork, or adornment in the State Capitol
23 Complex. It is unlawful for any person or persons to willfully block or otherwise willfully obstruct
24 any public access, stair, or elevator in the State Capitol Complex after being asked by a law-
25 enforcement officer acting in his or her official capacity to desist: *Provided further*, That in order
26 to preserve the constitutional right of the people to assemble, it is not willful blocking or willful
27 obstruction for persons gathered in a group or crowd if the persons move to the side or part to
28 allow other persons to pass by the group or crowd to gain ingress or egress: *And Provided further*,
29 That this subsection does not apply to a law-enforcement officer acting in his or her official
30 capacity.

31 ~~(2)~~ (4) Any person who violates this subsection is guilty of a misdemeanor and, upon
32 conviction thereof, shall be fined not less than \$100, or confined in jail not more than six months,
33 or both fined and confined.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-18. Off duty or retired law enforcement officers carrying a concealed handgun.

1 (a) An off-duty law-enforcement officer may carry a concealed handgun in any building
2 where an on-duty law-enforcement officer would be authorized to carry a concealed handgun
3 regardless of whether the requirements of §61-7-1 et seq. of this code, and amendments thereto,
4 for prohibiting the carrying of a concealed handgun in such building have been satisfied, provided:

5 (1) Such officer is in compliance with the firearms policies of such officer's law-
6 enforcement agency; and

7 (2) Such officer possesses identification required by such officer's law-enforcement
8 agency and presents such identification when requested by another law-enforcement officer or

9 by a person of authority for the building where the carrying of concealed handguns is otherwise
10 prohibited.

11 (b) A law-enforcement officer from another state or a retired law-enforcement officer
12 meeting the requirements of the Law Enforcement Officers Safety Act, 18 U.S.C. §§ 926B and
13 926C, may carry a concealed handgun in any building where an on-duty law-enforcement officer
14 would be authorized to carry a concealed handgun regardless of whether the requirements of
15 §61-7-1 et seq. of this code, and amendments thereto, for prohibiting the carrying of a concealed
16 handgun in such building have been satisfied, provided, such officer possesses identification
17 required by the Law Enforcement Officers Safety Act and presents such identification when
18 requested by another law-enforcement officer or by a person of authority for the building where
19 the carrying of concealed handguns is otherwise prohibited.

20 (c) The provisions of this section shall not apply to any building where the possession of
21 firearms is prohibited or restricted by an order of the chief judge of a judicial district, or by federal
22 law or regulation.

23 (d) The provisions of this section shall not apply to any law-enforcement officer or retired
24 law-enforcement officer who has been denied a license to carry a concealed handgun pursuant
25 to §61-7-4a of this code, and amendments thereto.

26 (e) As used in this section:

27 (1) "Law-enforcement officer" means:

28 (A) Any person employed by a law-enforcement agency, who is in good standing and is
29 certified as defined in §30-29-5 of this code;

30 (B) A law-enforcement officer who has obtained a similar designation in a jurisdiction
31 outside the State of West Virginia but within the United States; or

32 (C) A federal law-enforcement officer who as part of such officer's duties is permitted to
33 make arrests and to be armed.

34 (2) "Person of authority" means any person who is tasked with screening persons entering

- 35 the building, or who otherwise has the authority to determine whether a person may enter or
- 36 remain in the building.

NOTE: The purpose of this bill is to authorize the carrying a of a concealed handgun by off duty or retired law-enforcement officers; to authorize off duty or retired law-enforcement officers to conceal carry on and in the State Capitol Complex; and to define terms.

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