WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4555

By Delegates Hamrick, Dean, Paynter, Haynes, and Howell

[Introduced February 03, 2022; Referred to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-13, relating to carrying and storing a handgun or handgun ammunition by a hotel guest; and defenses to prosecution.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-13. Carrying and storing a handgun or handgun ammunition by a hotel guest.

(a) Definition.-- In this section “hotel” means a hotel, motel, inn, or similar business entity that offers more than 10 rooms to the public for temporary lodging for a fee.

(b) Unless possession of a handgun or other firearm or ammunition on hotel property is prohibited by state or federal law, a hotel may not adopt a policy prohibiting a hotel guest from:

(1) Carrying or storing a firearm or firearm ammunition in the guest’s hotel room;

(2) Carrying a firearm or firearm ammunition directly enroute to or from the hotel or the guest’s hotel room;

(3) Carrying a firearm or firearm ammunition directly enroute to or from the guest’s vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests; or

(4) Carrying or storing a firearm or firearm ammunition in the guest’s vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests.

(c) A hotel may adopt a policy requiring a hotel guest carrying a firearm or firearm ammunition in a common area on the hotel property to carry a:

(1) Handgun in a concealed manner; or

(2) Firearm or ammunition in a case or bag.

(d) It is a defense to prosecution under this section that:

(1) The conduct occurred on hotel property, and the basis on which entry on that property was forbidden is that entry with a firearm or firearm ammunition was forbidden;

(2) The actor is a guest of a hotel, and

(3) The actor carries:

(A) Or stores a firearm or firearm ammunition in the actor’s hotel room;

(B) A firearm or firearm ammunition directly enroute to or from the hotel or the actor’s hotel room;

(C) A firearm or firearm ammunition directly enroute to or from the actor’s vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests; or

(D) Stores a firearm or firearm ammunition in the actor’s vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests.

(e) It is a defense to prosecution under this section that the license holder is a guest of a hotel, as defined by subsection (a) of this section.

NOTE: The purpose of this bill is to define carrying and storing a handgun or handgun ammunition by a hotel guest; and provide defenses to prosecution.

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