

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2114

By Delegates Smith, Honaker, Phillips, Dean, Crouse,
Howell, Clark, Longanacre, Horst, Summers and
Ellington

[Introduced January 11, 2023; 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, relating to
2 allowing the concealed carry of firearms on and in Capitol grounds.

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, or
4 confined in jail not more than six months, or both fined and confined: *Provided*, That any assembly
5 in a peaceable, lawful, and orderly manner for a redress of grievances is not a violation of this
6 section.

7 (b) Open carry and concealed carry of deadly weapons, nonlethal agent, disruption:

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 in an open carry status: *Provided*, That a person who
10 may lawfully possess a firearm may keep a firearm in his or her motor vehicle upon the State
11 Capitol Complex if the vehicle is locked and the weapon is out of normal view: *Provided, however*,
12 That a person may not carry upon the State Capitol Complex, a cannister of pepper spray, as
13 defined in §61-7-2 of this code, that exceeds one ounce.

14 (2) (A) A person, who is licensed under §61-7-4 of this code to carry a concealed handgun,
15 is permitted to carry the same on the grounds of the Capitol, and in the Capitol building: *Provided*,
16 That, any person desiring to carry a concealed handgun within the Capitol building must show their
17 permit and handgun upon entry, if requested;

18 (B) Carry of a concealed handgun is not permitted in:

19 (1) The Governor's office; and

20 (2) The chambers of the Supreme Court, including the entirety of the third and fourth floor

21 of the East wing.

22 (C) The State Senate and House of Delegates may develop firearms rules for the gallery
23 and floor of their respective chambers.

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

34 ~~(2)~~ (4) Any person who violates this subsection is guilty of a misdemeanor and, upon
35 conviction thereof, shall be fined not less than \$100, or confined in jail not more than six months, or
36 both fined and confined.

NOTE: The purpose of this bill is to change the West Virginia code to allow concealed carry on and in Capitol grounds.

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