

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3338

FISCAL
NOTE

By Delegates Mazzocchi, Hott, Brooks, Steele,
Sheedy, Ridenour, Kimble, Warner, and Longanacre

[Introduced February 08, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, by adding thereto a new section, designated
 2 §60A-4-419, relating to creating the felony offense of possessing a firearm while in
 3 violation of certain offenses under the Uniform Controlled Substances Act; and imposing a
 4 mandatory indeterminate prison sentence.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-419. Prohibited acts while in possession of a firearm; penalties.

1 Any person who has a firearm within reach, close proximity to or in their possession while
 2 in violation of §60A-4-401(a)(i)(ii)(iii), §60A-4-406(b)(2), or §60A-4-406(b)(3) of this code, relating
 3 offenses under the Uniform Controlled Substances Act is guilty of a felony and, upon conviction
 4 thereof, shall be imprisoned in a state correctional facility for not less than three years nor more
 5 than 10 years. The sentence is mandatory and not subject to suspension, alternative sentencing,
 6 or probation.

NOTE: The purpose of this bill is to create the felony offense of possessing a firearm while in violation of certain offenses under the Uniform Controlled Substances Act. The bill also impose a mandatory indeterminate prison sentence.

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