WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 154

FISCAL NOTE

By Senators Hamilton, Deeds, and Stuart

[Introduced January 12, 2023; referred

to the Committee on the Judiciary; and then to the

Committee on Finance]

A BILL to amend and reenact §61-7-10 of the Code of West Virginia, 1931, as amended, relating to
 penalizing the removal of a manufacturer's or importer's serial number from a firearm or to
 possess a firearm with a missing manufacturer's or importer's serial number.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-10. Deadly weapons for sale or hire; sale to prohibited persons; penalties.

(a) Any person who violates the provisions of subsection (b) of this section is guilty of a
misdemeanor and, upon conviction thereof, shall be fined not more than \$5,000 or confined in jail
for not more than one year, or both fined and confined, except that where the person violating
subsection (b) is other than a natural person, the person shall be fined not more than \$10,000.

5 (b) A person may not knowingly sell, rent, give or lend, or, where the person is other than a 6 natural person, knowingly permit an employee thereof to knowingly sell, rent, give or lend, any 7 deadly weapon other than a firearm to a person prohibited from possessing a deadly weapon other 8 than a firearm by any provision of this article.

9 (c) A person may not knowingly sell, rent, give or lend, or where the person is other than a 10 natural person, knowingly permit an employee thereof to knowingly sell, rent, give or lend a firearm 11 or ammunition to a person prohibited by any provision of this article or the provisions of 18 U.S.C. 12 §922.

(d) A person may not knowingly transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered, or possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce. A person may not remove, obliterate, or alter the importer's or manufacturer's serial number on a firearm.

(d) (e) Any person who violates any of the provisions of subsection (c) or (d) of this section
 is guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000,

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imprisoned in a state correctional facility for a definite term of years of not less than three years nor
more than 10 years, or both fined and imprisoned, except that where the person committing an
offense punishable under this subsection is other than a natural person, the person shall be fined
not more than \$250,000.

25 (e) (f) Any person who knowingly solicits, persuades, encourages or entices a licensed 26 dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under 27 circumstances which the person knows would violate the laws of this state or the United States is 28 guilty of a felony. Any person who willfully procures another to engage in conduct prohibited by this 29 subsection shall be punished as a principal. This subsection does not apply to a law-enforcement 30 officer acting in his or her official capacity. Any person who violates the provisions of this 31 subsection is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000, 32 imprisoned in a state correctional facility for a definite term or not less than one year nor more than 33 five years, or both fined and imprisoned.

NOTE: The purpose of this bill is to penalize removing a serial number from a firearm and to penalize being in possession of a firearm with the serial number removed.

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