

SB 48

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002



ENROLLED

Committee Substitute for

SENATE BILL NO. 48

(By Senators Ross and Love)



PASSED February 12, 2002

In Effect July 1, 2002 ~~Passage~~

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 48

(SENATORS ROSS AND LOVE, *original sponsors*)

[Passed February 12, 2002; to take effect July 1, 2002.]

AN ACT to amend and reenact section six, article seven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section six, article twelve, chapter sixty-two of said code, all relating to requiring probation officers to complete training in the use of firearms; prescribing training qualifications; and exempting certain officers from training requirements for two years.

Be it enacted by the Legislature of West Virginia:

That section six, article seven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section six, article

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twelve, chapter sixty-two of said code be amended and reenacted, all to read as follows:

ATTEST
STATE

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-6. Exceptions as to prohibitions against carrying concealed deadly weapons.

1 The licensure provisions set forth in this article do not
2 apply to:

3 (1) Any person carrying a deadly weapon upon his or her
4 own premises; nor shall anything herein prevent a person
5 from carrying any firearm, unloaded, from the place of
6 purchase to his or her home, residence or place of business
7 or to a place of repair and back to his or her home, resi-
8 dence or place of business, nor shall anything herein
9 prohibit a person from possessing a firearm while hunting
10 in a lawful manner or while traveling from his or her
11 home, residence or place of business to a hunting site and
12 returning to his or her home, residence or place of busi-
13 ness;

14 (2) Any person who is a member of a properly organized
15 target-shooting club authorized by law to obtain firearms
16 by purchase or requisition from this state or from the
17 United States for the purpose of target practice from
18 carrying any pistol, as defined in this article, unloaded,
19 from his or her home, residence or place of business to a
20 place of target practice and from any place of target
21 practice back to his or her home, residence or place of
22 business, for using any such weapon at a place of target
23 practice in training and improving his or her skill in the
24 use of the weapons;

25 (3) Any law-enforcement officer or law-enforcement
26 official as defined in section one, article twenty-nine,
27 chapter thirty of this code;

28 (4) Any employee of the West Virginia division of
29 corrections duly appointed pursuant to the provisions of
30 section five, article five, chapter twenty-eight of this code
31 while the employee is on duty;

32 (5) Any member of the armed forces of the United States
33 or the militia of this state while the member is on duty;

34 (6) Any circuit judge, including any retired circuit judge
35 designated senior status by the supreme court of appeals
36 of West Virginia, prosecuting attorney, assistant prosecut-
37 ing attorney or a duly appointed investigator employed by
38 a prosecuting attorney;

39 (7) Any resident of another state who has been issued a
40 license to carry a concealed weapon by a state or a politi-
41 cal subdivision which has entered into a reciprocity
42 agreement with this state. The governor may execute
43 reciprocity agreements on behalf of the state of West
44 Virginia with states or political subdivisions which have
45 similar gun permitting laws and which recognize and
46 honor West Virginia licenses issued pursuant to section
47 four of this article;

48 (8) Any federal law-enforcement officer or federal police
49 officer authorized to carry a weapon in the performance of
50 the officer's duty; and

51 (9) Any Hatfield-McCoy regional recreation authority
52 ranger while the ranger is on duty.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 12. PROBATION AND PAROLE.

§62-12-6. Powers and duties of probation officers.

1 (a) Each probation officer shall investigate all cases
2 referred to him for investigation by the court and shall
3 report in writing thereon. He shall furnish to each person
4 released on probation under his supervision a written
5 statement of the conditions of his probation together with

6 a copy of the rules and regulations prescribed by the court
7 for the supervision of probationers. He shall keep himself
8 informed concerning the conduct and condition of those
9 under his supervision and shall report thereon in writing
10 as often as the court may require. He shall use all practi-
11 cable and suitable methods to aid and encourage them and
12 to bring about improvement in their conduct and condi-
13 tion. He shall keep detailed records of his work, shall keep
14 accurate and complete accounts of and give receipts for all
15 money collected from persons under his supervision and
16 shall pay over the money to such person as the court may
17 designate. He shall give bond with good security, to be
18 approved by the court, in a penalty of not less than one
19 thousand nor more than three thousand dollars, as the
20 court may determine. He shall also perform such other
21 duties as the court may require. He shall have authority,
22 with or without an order or warrant, to arrest any proba-
23 tioner.

24 (b) Notwithstanding any provision of this code to the
25 contrary:

26 (1) Any probation officer appointed on or after the first
27 day of July, two thousand two, may carry handguns in the
28 course of their official duties after meeting specialized
29 qualifications established by the governor's committee on
30 crime, delinquency and correction, which qualifications
31 shall include the successful completion of handgun
32 training, including a minimum of four hours' training in
33 handgun safety and comparable to the handgun training
34 provided to law-enforcement officers by the West Virginia
35 state police;

36 (2) Any person employed as a probation officer on the
37 thirtieth day of June, two thousand two, is exempt from
38 the licensure requirements set forth in article seven,
39 chapter sixty-one of this code until the thirtieth day of
40 June, two thousand four, while employed as a probation
41 officer: *Provided*, That after the thirtieth day of June, two
42 thousand four, such probation officers may only carry

43 handguns in the course of their official duties after
44 meeting the specialized qualifications set forth in subdivi-
45 sion (1) of this subsection.

46 (3) Nothing in this subsection shall be construed to
47 include probation officers within the meaning of law-
48 enforcement officers as defined in section one, article
49 twenty-nine, chapter thirty of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Carly Ann
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2002

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *22nd*
Day of *February*, 2002.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

2/19/02

Time

9:00am