

SB 1005

FILED

2010 JUN -3 PM 4:59

WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
FIRST EXTRAORDINARY SESSION, 2010

OFFICE OF THE SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 1005

(BY SENATOR TOMBLIN (MR. PRESIDENT),
BY REQUEST OF THE EXECUTIVE)

[Passed May 14, 2010; in effect ninety days from passage.]

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(BY SENATOR TOMBLIN (MR. PRESIDENT),

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[Passed May 14, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §61-7-10 of the Code of West Virginia, 1931, as amended, relating to the unlawful transfer of firearms or ammunition to prohibited persons; increasing fines and penalties for certain offenses; creating felony offenses relating to the transfer of firearms or ammunition under certain circumstances; prohibiting persons other than law-enforcement officers acting in their official capacity from soliciting others to violate state and federal firearms laws; distinguishing between firearms and other deadly weapons for criminal offense purposes; and modifying and establishing criminal penalties.

Be it enacted by the Legislature of West Virginia:

That §61-7-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 7. DANGEROUS WEAPONS

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

1 (a) A person may not publicly display and offer for rent
2 or sale, or, where the person is other than a natural person,
3 knowingly permit an employee thereof to publicly display
4 and offer for rent or sale, to any passersby on any street,
5 road or alley, any deadly weapon, machine gun, subma-
6 chine gun or other fully automatic weapon, any rifle,
7 shotgun or ammunition for same.

8 (b) Any person who violates the provisions of subsections
9 (a) or (c) of this section shall be guilty of a misdemeanor,
10 and, upon conviction thereof, shall be fined not more than
11 five thousand dollars or shall be confined in the county jail
12 for not more than one year, or both fined and confined,
13 except that where the person violating the provisions of
14 said subsections is other than a natural person, such
15 person shall be fined not more than ten thousand dollars.

16 (c) A person may not knowingly sell, rent, give or lend,
17 or, where the person is other than a natural person,
18 knowingly permit an employee thereof to knowingly sell,
19 rent, give or lend, any deadly weapon other than a firearm
20 to a person prohibited from possessing a deadly weapon
21 other than a firearm by any provision of this article.

22 (d) a person may not knowingly sell, rent, give or lend, or
23 where the person is other than a natural person, know-
24 ingly permit an employee thereof to knowingly sell, rent
25 give or lend a firearm or ammunition to a person prohib-
26 ited by any provision of this article or the provisions of 18
27 U. S. C. §922.

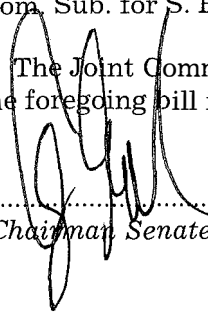
28 (e) Any person who violates any of the provisions of
29 subsection (d) of this section is guilty of a felony, and,
30 upon conviction thereof, shall be fined not more than
31 \$100,000 imprisoned in a state correctional facility for a

32 definite term of years of not less than three years nor more
33 than ten years, or both fined and imprisoned, except that
34 where the person committing an offense punishable under
35 this subsection is other than a natural person, such person
36 shall be fined not more than \$250,000.

37 (f) Any person who knowingly solicits, persuades,
38 encourages or entices a licensed dealer or private seller of
39 firearms or ammunition to transfer a firearm or ammuni-
40 tion under circumstances which the person knows would
41 violate the laws of this state or the United States is guilty
42 of a felony. Any person who willfully procures another to
43 engage in conduct prohibited by this subsection shall be
44 punished as a principal. This subsection does not apply to
45 a law-enforcement officer acting in his or her official
46 capacity. Any person who violates the provisions of this
47 subsection is guilty of a felony, and upon conviction
48 thereof, shall be fined not more than \$5,000, imprisoned in
49 a state correctional facility for a definite term or not less
50 than one year nor more than five years, or both fined and
51 imprisoned.

Enr. Com. Sub. for S. B. No. 1005] 4

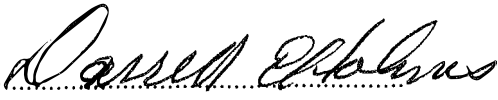
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

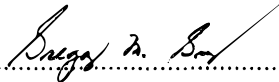

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Chairman Senate Committee

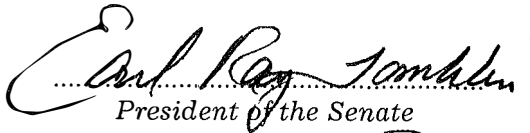

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 3rd
Day of June, 2010.


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Governor

PRESENTED TO THE
GOVERNOR

MAY 21 2010

Time 3:25 pm