

SB 515 (veto)

FILED

2010 APR -6 PM 2: 37

WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

THE WEST VIRGINIA
SECRETARY OF STATE

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ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 515

(SENATORS KESSLER AND BARNES, *original sponsors*)

[Passed March 13, 2010; in effect ninety days from passage.]

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FOR

Senate Bill No. 515

(SENATORS KESSLER AND BARNES, *original sponsors*)

[Passed March 13, 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 purchase or sale firearms prohibiting the purchase or attempt to purchase a firearm from a firearm dealer by certain persons; increasing fines and penalties for certain offenses; creating a felony offense for a person who knowingly solicits, persuades, encourages or entices a firearm or ammunition dealer or private seller to sell or transfer a firearm or ammunition under circumstances which would violate the laws of this State; making it a felony offense to procure another to knowingly solicit, persuade, encourage or entice a firearm or ammunition under circumstances which would violate the laws of this State; providing an exception for a law-enforcement officer acting in his or her official capacity; 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 (1) A person may not publicly display and offer for rent
2 or sale, or, where the person is other than a natural person,
3 to knowingly permit an employee thereof to publicly
4 display and offer for rent or sale, to any passers by on any
5 street, road or alley, any deadly weapon. machine gun,
6 submachine gun or other fully automatic weapon, any
7 rifle, shotgun or ammunition for same.

8 (2) Any person violating the provisions of subsection (1)
9 of this section shall be guilty of a misdemeanor, and, upon
10 conviction thereof, shall be fined not more than \$5,000 or
11 shall be confined in the county jail for not more than one
12 year, or both fined and confined, except that where the
13 person violating the provisions of this subsection is other
14 than a natural person, such person shall be fined not more
15 than \$10,000.

16 (3) A person may not knowingly sell, rent, give or lend,
17 or, where the person is other than a natural person, to
18 knowingly permit an employee thereof to knowingly sell,
19 rent, give or lend, any firearm or ammunition to a person
20 prohibited from possessing firearm or ammunition by any
21 provision of this article or by 18 U.S.C. §922(g) or (n) or
22 other applicable federal law.

23 (4) Any person who violates any of the provisions of
24 subsection (3) of this section is guilty of a felony and, upon
25 conviction thereof, shall be fined not more than \$100,000,
26 imprisoned in a state correctional facility for a definite
27 term of years of not less than three years nor more than
28 ten years, or both fined and imprisoned, except that where
29 the person committing an offense punishable under this
30 subsection is other than a natural person, such person
31 shall be fined not more than \$250,000.

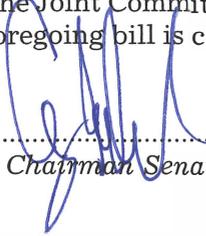
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32 (5) ~~Any~~ person who knowingly solicits, persuades,
33 encourages or entices a licensed dealer or private seller of
34 firearms or ammunition to transfer a firearm or ammuni-
35 tion under circumstances which the person knows would

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36 violate the laws of this state or the United States is guilty
37 of a felony. ~~Any~~ person who willfully procures another to
38 engage in conduct prohibited by this subsection shall be
39 punished as a principal. This subsection does not apply to
40 a law-enforcement officer acting in his or her official
41 capacity. Any person who violates the provisions of
42 section five of subsection (5) of this section is guilty of a
43 felony, and upon conviction thereof, shall be fined not
44 more than \$5,000, imprisoned in a state correctional
45 facility for a definite term of not less than one year nor
46 more than five years, or both fined and imprisoned.

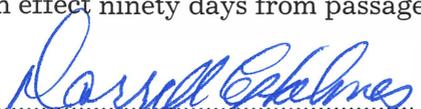
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

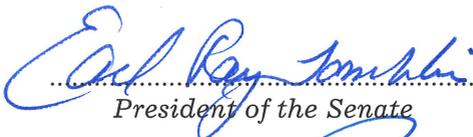

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Chairman House Committee

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 disapproved* this the *10th*
Day of *April*, 2010.


.....
Governor

PRESENTED TO THE
GOVERNOR

APR 01 2010

Time 4:10 p