

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 369**

4 (By Senators Unger, Kessler (Mr. President), D. Hall, Cookman,
5 Cann, Laird, Beach, Fitzsimmons, Jenkins and Williams)

6 _____
7 [Originating in the Committee on the Judiciary;
8 reported March 27, 2013.]
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10
11 A BILL to amend and reenact §61-7-6 and §61-7-6a of the Code of
12 West Virginia, 1931, as amended, all relating to allowing a
13 resident of another state to carry a handgun in West Virginia
14 if the person holds a valid permit or license to possess or
15 carry a handgun from the other state and the other state
16 allows residents of West Virginia who are licensed in West
17 Virginia to carry a concealed deadly weapon to carry a
18 concealed deadly weapon in that state.

19 *Be it enacted by the Legislature of West Virginia:*

20 That §61-7-6 and §61-7-6a of the Code of West Virginia, 1931,
21 as amended, be amended and reenacted, all to read as follows:

22 **ARTICLE 7. DANGEROUS WEAPONS.**

23 **§61-7-6. Exceptions as to prohibitions against carrying concealed**
24 **deadly weapons.**

25 The licensure provisions set forth in this article do not

1 apply to:

2 (1) Any person:

3 (A) Carrying a deadly weapon upon his or her own premises; ~~nor~~
4 ~~shall anything herein prevent a person from~~

5 (B) Carrying ~~any~~ a firearm, unloaded, from the place of
6 purchase to his or her home, residence or place of business or to
7 a place of repair and back to his or her home, residence or place
8 of business; ~~nor shall anything herein prohibit a person or~~

9 (C) From possessing a firearm while hunting in a lawful manner
10 or while traveling from his or her home, residence or place of
11 business to a hunting site and returning to his or her home,
12 residence or place of business;

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

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

1 (4) Any employee of the West Virginia Division of Corrections
2 duly appointed pursuant to the provisions of section five, article
3 five, chapter twenty-eight of this code while the employee is on
4 duty;

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

7 (6) Any circuit judge, including any retired circuit judge
8 designated senior status by the Supreme Court of Appeals of West
9 Virginia, prosecuting attorney, assistant prosecuting attorney or
10 a duly appointed investigator employed by a prosecuting attorney;

11 (7) Any resident of another state who holds a valid permit or
12 license to possess or carry a ~~concealed weapon~~ handgun issued by a
13 state or a political subdivision ~~which has entered into a~~
14 ~~reciprocity agreement with this state,~~ subject to the provisions
15 and limitations set forth in section six-a of this article;

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

19 (9) Any Hatfield-McCoy Regional Recreation Authority Ranger
20 while the ranger is on duty.

21 **§61-7-6a. Reciprocity and recognition; out-of-state concealed**
22 **handgun permits.**

23 (a) A ~~holder of a~~ valid out-of-state permit or license to
24 possess or carry a ~~concealed~~ handgun ~~as issued by another state~~
25 ~~with which the State of West Virginia has executed a reciprocity~~

1 ~~agreement shall be recognized as~~ is valid in this state for the
2 carrying of a concealed handgun, if the following conditions are
3 met:

4 (1) The permit or license holder is twenty-one years of age or
5 older;

6 (2) The permit or license is in his or her immediate
7 possession;

8 (3) The permit or license holder is not a resident of the
9 State of West Virginia; and

10 (4) ~~The State of West Virginia has executed a valid and~~
11 ~~effective reciprocity agreement with the issuing state pertaining~~
12 ~~to the carrying and verification of concealed handgun licenses and~~
13 ~~permits issued in the respective states.~~ The Attorney General has
14 been notified by the Governor of the other state that the other
15 state allows residents of West Virginia who are licensed in West
16 Virginia to carry a concealed deadly weapon to carry a concealed
17 deadly weapon in that state or the Attorney General has entered
18 into a written reciprocity agreement with the appropriate official
19 of the other state whereby the state agrees to honor West Virginia
20 concealed handgun licenses in return for same treatment in this
21 state.

22 (b) A holder of a valid permit or license from another state
23 who is authorized to carry a concealed handgun in this state
24 pursuant to provisions of this section is subject to the same laws
25 and restrictions with respect to carrying a concealed handgun as a

1 resident of West Virginia who is so permitted, and must carry the
2 concealed handgun in compliance with the laws of this state.

3 (c) A license or permit from another state is not valid in
4 this state if the holder is or becomes prohibited by law from
5 possessing a firearm.

6 (d) The West Virginia Attorney General shall seek to obtain
7 recognition of West Virginia concealed handgun licenses and enter
8 into and ~~may~~ execute reciprocity agreements on behalf of the State
9 of West Virginia with states ~~which meet the following standards and~~
10 ~~requirements:~~

11 ~~(1) The standards applied by the other state before issuing a~~
12 ~~concealed handgun license or permit must be similar to or greater~~
13 ~~than the standards imposed by this article;~~

14 ~~(2) This state's law enforcement officers have continuous~~
15 ~~access to databases on the criminal information network,~~
16 ~~twenty-four hours per day, seven days per week, to verify the~~
17 ~~continued validity of any license or permit to carry a concealed~~
18 ~~handgun that has been granted by the issuing state;~~

19 ~~(3) The other state agrees to grant the right to carry a~~
20 ~~concealed handgun to residents of West Virginia who have valid~~
21 ~~concealed handgun permits issued pursuant to this article in their~~
22 ~~possession while carrying concealed weapons in that state; and~~

23 ~~(4) The states agree to apprise one another of changes in~~
24 ~~permitting standards and requirements, to provide for a prompt~~
25 ~~reexamination of whether any adopted change in licensing or~~

1 ~~permitting standards negates the states' ability to continue with~~
2 ~~the reciprocity agreement.~~ for the recognition of concealed handgun
3 permits issued pursuant to this article.

4 (e) The West Virginia State Police shall maintain a registry
5 of states with which the State of West Virginia has entered into
6 reciprocity agreements or which recognize West Virginia concealed
7 handgun licenses on the criminal information network and make the
8 registry available to law-enforcement officers for investigative
9 purposes.

10 (f) Every twelve months after the effective date of this
11 section, the West Virginia Attorney General shall make written
12 inquiry of the concealed handgun licensing or permitting
13 authorities in each other state as to: (i) Whether a West Virginia
14 resident may carry a concealed handgun in their state based upon
15 having a valid West Virginia concealed handgun permit; and (ii)
16 whether a West Virginia resident may carry a concealed handgun in
17 that state based upon having a valid West Virginia concealed
18 handgun permit, pursuant to the laws of that state or by the
19 execution of a valid reciprocity agreement between the states.

20 (g) The West Virginia State Police shall make available to the
21 public a list of states which have entered into reciprocity
22 agreements with the State of West Virginia or that allow residents
23 of West Virginia who are licensed in West Virginia to carry a
24 concealed deadly weapon to carry a concealed deadly weapon in that
25 state.

(NOTE: The purpose of this bill is to provide full faith and credit to a nonresident who has a permit or license to carry a handgun in his or her state when that state allows residents of West Virginia who are licensed in West Virginia to carry a concealed deadly weapon to carry a concealed deadly weapon in that other state.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)