1	н. в. 2866
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3 4 5	(By Delegates Hamilton, A. Evans, Andes, Ireland, Walker, Moye, Lynch, P. Smith, J. Nelson, Frich and Sponaugle)
6	[Introduced March 7, 2013; referred to the
7	Committee on Natural Resources then the Judiciary.]
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10	A BILL to amend and reenact $\$20-2-58$ of the Code of West Virginia,
11	1931, as amended, relating to providing an exception to allow
12	a resident of a dwelling house to discharge a firearm in a
13	lawful manner within five hundred feet of that dwelling house
14	in which the person lives if no other dwelling house is
15	located within five hundred feet of the person shooting; and
16	raising the distance within which a person can discharge a
17	firearm from a school or church from four hundred feet to five
18	hundred feet.
19	Be it enacted by the Legislature of West Virginia:
20	That \$20-2-58 of the Code of West Virginia, 1931, as amended,
21	be amended and reenacted to read as follows:
22	ARTICLE 2. WILDLIFE RESOURCES.
23	§20-2-58. Shooting across road or near building or crowd;
24	penalty.

It shall be unlawful for any person to shoot or discharge any 1 2 firearms across or in any public road in this state, at any time, 3 or within four five hundred feet of any schoolhouse or church, or 4 within five hundred feet of any dwelling house, or on or near any 5 park or other place where persons gather for purposes of pleasure, 6 and any person violating this section is guilty of a misdemeanor: 7 Provided, That a resident of a dwelling house may shoot or 8 discharge a firearm in a lawful manner within five hundred feet of 9 that dwelling house in which the person lives if no other dwelling 10 house is located within five hundred feet of the person shooting: 11 Provided, however, That any person operating a gun repair shop, 12 licensed to do business in the State of West Virginia and duly 13 licensed under applicable federal statutes, may be exempted from 14 the prohibition established by this section and section twelve, 15 article seven, chapter sixty-one of this code for the purpose of 16 test firing a firearm. The director of the department Division of 17 Natural Resources shall prescribe such rules as may be necessary to 18 carry out the purposes of the exemption under this section and 19 section twelve, article seven, chapter sixty-one and shall ensure 20 that any person residing in any dwelling home within five hundred 21 feet of such gun repair shop be given an opportunity to protest the 22 granting of such exemption.

NOTE: The purpose of this bill is to provide an exception to allow a resident of a dwelling house to discharge a firearm in a lawful manner within five hundred feet of that dwelling house in which the person lives if no other dwelling house is located within five hundred feet of the person shooting. The bill also corrects an anomaly that allows a person to shoot a firearm at a closer distance to a school or church than to a dwelling house. This bill raises the distance for a school or church from 400 feet to 500 feet to bring it into conformity with the 500 feet shooting distance for dwelling houses.

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