

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 347**

(By Senators Sypolt, Beach, Blair,  
Gaunch, D. Hall, Karnes, Leonhardt,  
Maynard, Williams and Ferns)

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[Originating in the Committee on  
the Judiciary;  
reported February 24, 2015.]

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A BILL to repeal §61-7-3 and §61-7-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §20-2-5 and §20-2-6a of said code; and to amend and reenact §61-7-4 of said code, all relating to creating the West Virginia Firearms Act of 2015; removing requirement one must have a license to carry a concealed handgun; repealing exceptions section of said code to prohibitions against carrying concealed handguns without a license and removing exemptions from licensing fees; authorizing carrying a handgun for purposes of self defense while in the woods of this state whether concealed or not; providing that if findings of fact and conclusions of law of the court fail to uphold denial of a license, the applicant is entitled to reasonable costs and attorney's fees, payable by the sheriff's office which issued denial; defining who is prohibited from possessing firearms and retaining criminal penalties for violations; and establishing procedure for sheriff in determining eligibility for license when license holder changes home county.

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

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That §61-7-3 and §61-7-6 of the Code of West Virginia, 1931, as amended, be repealed; that §20-2-5 and §20-2-6a of said code be amended and reenacted; and that §61-7-4 of said code be amended and reenacted, all to read as follows:

**CHAPTER 20. NATURAL RESOURCES.**

**ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-5. Unlawful methods of hunting and fishing and other unlawful acts.**

1 Except as authorized by the director, it is unlawful at any time for any person to:

2 (1) Shoot at or to shoot any wild bird or animal unless it is plainly visible to him or her;

3 (2) Dig out, cut out or smoke out, or in any manner take or attempt to take, any live wild  
4 animal or wild bird out of its den or place of refuge except as may be authorized by rules  
5 promulgated by the director or by law;

6 (3) Make use of, or take advantage of, any artificial light in hunting, locating, attracting,  
7 taking, trapping or killing any wild bird or wild animal, or to attempt to do so, while having in his  
8 or her possession or subject to his or her control, or for any person accompanying him or her to have  
9 in his or her possession or subject to his or her control, any firearm, whether cased or uncased, bow,  
10 arrow, or both, or other implement or device suitable for taking, killing or trapping a wild bird or  
11 animal: *Provided*, That it is lawful to hunt or take coyote, fox, raccoon, opossum or skunk by the  
12 use of artificial light subject to the restrictions set forth in this subdivision. No person is guilty of  
13 a violation of this subdivision merely because he or she looks for, looks at, attracts or makes  
14 motionless a wild bird or wild animal with or by the use of an artificial light, unless at the time he  
15 or she has in his or her possession a firearm, whether cased or uncased, bow, arrow, or both, or other  
16 implement or device suitable for taking, killing or trapping a wild bird or wild animal, or unless the

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1 artificial light, other than the head lamps of an automobile or other land conveyance, is attached to,  
2 a part of or used from within or upon an automobile or other land conveyance.

3 Any person violating the provisions of this subdivision is guilty of a misdemeanor and, upon  
4 conviction thereof, shall for each offense be fined not less than \$100 nor more than \$500 and shall  
5 be confined in jail for not less than ten days nor more than one hundred days;

6 (4) Hunt for, take, kill, wound or shoot at wild animals or wild birds from an airplane, or  
7 other airborne conveyance, an automobile, or other land conveyance, or from a motor-driven water  
8 conveyance, except as authorized by rules promulgated by the director;

9 (5) Take any beaver or muskrat by any means other than by trap;

10 (6) Catch, capture, take or kill by seine, net, bait, trap or snare or like device of any kind any  
11 wild turkey, ruffed grouse, pheasant or quail;

12 (7) Destroy or attempt to destroy needlessly or willfully the nest or eggs of any wild bird or  
13 have in his or her possession the nest or eggs unless authorized to do so under rules promulgated by  
14 or under a permit issued by the director;

15 (8) Except as provided in section six of this article, carry an uncased or loaded gun in any of  
16 the woods of this state except during the open firearms hunting season for wild animals and  
17 nonmigratory wild birds within any county of the state unless he or she has in his or her possession  
18 a permit in writing issued to him or her by the director: *Provided*, That this section does not prohibit  
19 hunting or taking of unprotected species of wild animals and wild birds and migratory wild birds,  
20 during the open season, in the open fields, open water and open marshes of the state nor does it  
21 prohibit a person who is not prohibited from possessing firearms by section four, article seven,  
22 chapter sixty-one of this code from carrying a deadly weapon for purposes of self defense while in

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1 the woods of this state;

2           (9) Have in his or her possession a crossbow with a nocked bolt, ~~a loaded firearm or a firearm~~  
3 rifle or shotgun from ~~the magazine~~ of which all shells and cartridges have not been removed, in or  
4 on any vehicle or conveyance, or its attachments, within the state, except as may otherwise be  
5 provided by law or regulation. For the purposes of this section, a rifle or shotgun whose magazine  
6 readily detaches is considered unloaded if the magazine is detached and no cartridges remain in the  
7 rifle or shotgun itself. Except as hereinafter provided, between five o'clock postmeridian of one day  
8 and seven o'clock antemeridian, eastern standard time of the day following, any unloaded firearm  
9 or crossbow, being lawfully carried in accordance with the foregoing provisions, may be so carried  
10 only when in a case or taken apart and securely wrapped. During the period from July 1 to  
11 September 30, inclusive, of each year, the foregoing requirements relative to carrying certain  
12 unloaded firearms are permissible only from eight-thirty o'clock postmeridian to five o'clock  
13 antemeridian, eastern standard time: *Provided*, That the time periods for carrying unloaded and  
14 uncased firearms are extended for one hour after the postmeridian times and one hour before the  
15 antemeridian times established above if a hunter is preparing to or in the process of transporting or  
16 transferring the firearms to or from a hunting site, campsite, home or other place of abode;

17           (10) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement by which  
18 wildlife may be taken after the hour of five o'clock antemeridian on Sunday on private land without  
19 the written consent of the landowner any wild animals or wild birds except when a big game season  
20 opens on a Monday, the Sunday prior to that opening day will be closed for any taking of wild  
21 animals or birds after five o'clock antemeridian on that Sunday: *Provided*, That traps previously and  
22 legally set may be tended after the hour of five o'clock antemeridian on Sunday and the person so

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1 doing may carry only a twenty-two caliber firearm for the purpose of humanely dispatching trapped  
2 animals. Any person violating the provisions of this subdivision is guilty of a misdemeanor and,  
3 upon conviction thereof, in addition to any fines that may be imposed by this or other sections of this  
4 code, is subject to a \$100 fine;

5 (11) Hunt, catch, take, kill, injure or pursue a wild animal or bird with the use of a ferret;

6 (12) Buy raw furs, pelts or skins of fur-bearing animals unless licensed to do so;

7 (13) Catch, take, kill or attempt to catch, take or kill any fish at any time by any means other  
8 than by rod, line and hooks with natural or artificial lures unless otherwise authorized by law or rules  
9 issued by the director: *Provided*, That snaring of any species of suckers, carp, fallfish and creek  
10 chubs shall at all times be lawful;

11 (14) Employ or hire, or induce or persuade, by the use of money or other things of value, or  
12 by any means, any person to hunt, take, catch or kill any wild animal or wild bird except those  
13 species on which there is no closed season, or to fish for, catch, take or kill any fish, amphibian or  
14 aquatic life which is protected by the provisions of this chapter or rules of the director or the sale of  
15 which is prohibited;

16 (15) Hunt, catch, take, kill, capture, pursue, transport, possess or use any migratory game or  
17 nongame birds included in the terms of conventions between the United States and Great Britain and  
18 between the United States and United Mexican States for the protection of migratory birds and wild  
19 mammals concluded, respectively, August 16, 1916, and February 7, 1936, except during the time  
20 and in the manner and numbers prescribed by the federal Migratory Bird Treaty Act, 16 U. S. C. §U.  
21 S. C. §703, *et seq.*, and regulations made thereunder;

22 (16) Kill, take, catch or have in his or her possession, living or dead, any wild bird other than

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1 a game bird; or expose for sale or transport within or without the state any bird except as aforesaid.  
2 No part of the plumage, skin or body of any protected bird may be sold or had in possession for sale  
3 except mounted or stuffed plumage, skin, bodies or heads of the birds legally taken and stuffed or  
4 mounted, irrespective of whether the bird was captured within or without this state, except the  
5 English or European sparrow (*passer domesticus*), starling (*sturnus vulgaris*) and cowbird (*molothrus*  
6 *ater*), which may not be protected and the killing thereof at any time is lawful;

7 (17) Use dynamite or any like explosive or poisonous mixture placed in any waters of the  
8 state for the purpose of killing or taking fish. Any person violating the provisions of this subdivision  
9 is guilty of a felony and, upon conviction thereof, shall be fined not more than \$500 or imprisoned  
10 for not less than six months nor more than three years, or both fined and imprisoned;

11 (18) Have a bow and gun, or have a gun and any arrow or arrows, in the fields or woods at  
12 the same time;

13 (19) Have a crossbow in the woods or fields or use a crossbow to hunt for, take or attempt  
14 to take any wildlife except as otherwise provided in section forty-two-w of this article;

15 (20) Take or attempt to take turkey, bear, elk or deer with any arrow unless the arrow is  
16 equipped with a point having at least two sharp cutting edges measuring in excess of three fourths  
17 of an inch wide;

18 (21) Take or attempt to take any wildlife with an arrow having an explosive head or shaft,  
19 a poisoned arrow or an arrow which would affect wildlife by any chemical action;

20 (22) Shoot an arrow across any public highway or from aircraft, motor-driven watercraft,  
21 motor vehicle or other land conveyance;

22 (23) Permit any dog owned by him or her or under his or her control to chase, pursue or

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1 follow upon the track of any wild animal or wild bird, either day or night, between May 1 and the  
2 August 15 next following: *Provided*, That dogs may be trained on wild animals and wild birds,  
3 except deer and wild turkeys, and field trials may be held or conducted on the grounds or lands of  
4 the owner or by his or her bona fide tenant or tenants or upon the grounds or lands of another person  
5 with his or her written permission or on public lands at any time: *Provided, however*, That  
6 nonresidents may not train dogs in this state at any time except during the legal small game hunting  
7 season: *Provided further*, That the person training said dogs does not have firearms or other  
8 implements in his or her possession during the closed season on wild animals and wild birds,  
9 whereby wild animals or wild birds could be taken or killed;

10 (24) Conduct or participate in a field trial, shoot-to-retrieve field trial, water race or wild hunt  
11 hereafter referred to as trial: *Provided*, That any person, group of persons, club or organization may  
12 hold the trial at any time of the year upon obtaining a permit as is provided in section fifty-six of this  
13 article. The person responsible for obtaining the permit shall prepare and keep an accurate record  
14 of the names and addresses of all persons participating in said trial and make same readily available  
15 for inspection by any natural resources police officer upon request;

16 (25) Except as provided in section four of this article, hunt, catch, take, kill or attempt to  
17 hunt, catch, take or kill any wild animal, wild bird or wild fowl except during the open season  
18 established by rule of the director as authorized by subdivision (6), section seven, article one of this  
19 chapter;

20 (26) Hunting on public lands on Sunday after five o'clock antemeridian is prohibited;

21 (27) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement which  
22 wildlife can be taken, on private lands on Sunday after the hour of five o'clock antemeridian:

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1 *Provided*, That the provisions of this subdivision do not apply in any county until the county  
2 commission of the county holds an election on the question of whether the provisions of this  
3 subdivision prohibiting hunting on Sunday shall apply within the county and the voters approve the  
4 allowance of hunting on Sunday in the county. The election is determined by a vote of the resident  
5 voters of the county in which the hunting on Sunday is proposed to be authorized. The county  
6 commission of the county in which Sunday hunting is proposed shall give notice to the public of the  
7 election by publication of the notice as a Class II-0 legal advertisement in compliance with the  
8 provisions of article three, chapter fifty-nine of this code and the publication area for the publication  
9 is the county in which the election is to be held. The date of the last publication of the notice shall  
10 fall on a date within the period of the fourteen consecutive days next preceding the election.

11 On the local option election ballot shall be printed the following:

12 Shall hunting on Sunday be authorized in \_\_\_\_\_ County?

13  Yes  No

14 (Place a cross mark in the square opposite your choice.)

15 Any local option election to approve or disapprove of the proposed authorization of Sunday  
16 hunting within a county shall be in accordance with procedures adopted by the commission. The  
17 local option election may be held in conjunction with a primary or general election or at a special  
18 election. Approval shall be by a majority of the voters casting votes on the question of approval or  
19 disapproval of Sunday hunting at the election.

20 If a majority votes against allowing Sunday hunting, no election on the issue may be held for  
21 a period of one hundred four weeks. If a majority votes “yes”, no election reconsidering the action  
22 may be held for a period of five years. A local option election may thereafter be held if a written



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1 petition of qualified voters residing within the county equal to at least five percent of the number of  
2 persons who were registered to vote in the next preceding general election is received by the county  
3 commission of the county in which Sunday hunting is authorized. The petition may be in any  
4 number of counterparts. The election shall take place at the next primary or general election  
5 scheduled more than ninety days following receipt by the county commission of the petition required  
6 by this subsection: *Provided*, That the issue may not be placed on the ballot until all statutory notice  
7 requirements have been met. No local law or regulation providing any penalty, disability, restriction,  
8 regulation or prohibition of Sunday hunting may be enacted and the provisions of this article preempt  
9 all regulations, rules, ordinances and laws of any county or municipality in conflict with this  
10 subdivision; and

11 (28) Hunt or conduct hunts for a fee where the hunter is not physically present in the same  
12 location as the wildlife being hunted within West Virginia.

13 **§20-2-6a. Carrying a concealed handgun while afield.**

14 (a) Notwithstanding any provision of this code to the contrary, a person ~~licensed to carry a~~  
15 ~~concealed weapon pursuant to the provisions of section four, article seven, chapter sixty-one of this~~  
16 ~~code~~ who is not prohibited at the time from possessing a firearm pursuant to the provisions of section  
17 seven, article seven, chapter sixty-one of this code or by any applicable federal law may carry a  
18 handgun ~~in a concealed manner~~ for self-defense purposes while afield hunting, hiking, camping or  
19 in or on a motor vehicle.

20 (b) The provisions of this section shall not exempt any person from obtaining any hunting  
21 or fishing license or stamp required by the Division of Natural Resources.

22 **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

1 **ARTICLE 7. DANGEROUS WEAPONS.**

2 **§61-7-4. License to carry deadly weapons; how obtained.**

3 (a) Except as provided in subsection (h) of this section, any person desiring to obtain a state  
4 license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for the  
5 license and pay to the sheriff, at the time of application, a fee of \$75, of which \$15 of that amount  
6 shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article  
7 twenty-six, chapter twenty-nine of this code. Concealed weapons permits may only be issued for  
8 pistols or revolvers. Each applicant shall file with the sheriff a complete application, as prepared by  
9 the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only  
10 the following licensing requirements:

11 (1) The applicant's full name, date of birth, Social Security number, a description of the  
12 applicant's physical features, the applicant's place of birth, the applicant's country of citizenship and,  
13 if the applicant is not a United States citizen, any alien or admission number issued by the United  
14 States Bureau of Immigration and Customs Enforcement, and any basis, if applicable, for an  
15 exception to the prohibitions of 18 U. S. C. § 922(g)(5)(B);

16 (2) That, on the date the application is made, the applicant is a bona fide resident of this state  
17 and of the county in which the application is made and has a valid driver's license or other  
18 state-issued photo identification showing the residence;

19 (3) That the applicant is twenty-one years of age or older: *Provided*, That any individual who  
20 is less than twenty-one years of age and possesses a properly issued concealed weapons license as  
21 of the effective date of this article shall be licensed to maintain his or her concealed weapons license  
22 notwithstanding the provisions of this section requiring new applicants to be at least twenty-one

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1 years of age: *Provided, however,* That upon a showing of any applicant who is eighteen years of age  
2 or older that he or she is required to carry a concealed weapon as a condition for employment, and  
3 presents satisfactory proof to the sheriff thereof, then he or she shall be issued a license upon meeting  
4 all other conditions of this section. Upon discontinuance of employment that requires the concealed  
5 weapons license, if the individual issued the license is not yet twenty-one years of age, then the  
6 individual issued the license is no longer eligible and must return his or her license to the issuing  
7 sheriff;

8 (4) That the applicant is not addicted to alcohol, a controlled substance or a drug and is not  
9 an unlawful user thereof as evidenced by either of the following within the three years immediately  
10 prior to the application:

11 (A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug  
12 treatment; or

13 (B) Two or more convictions for driving while under the influence or driving while impaired;

14 (5) That the applicant has not been convicted of a felony unless the conviction has been  
15 expunged or set aside or the applicant's civil rights have been restored or the applicant has been  
16 unconditionally pardoned for the offense;

17 (6) That the applicant has not been convicted of a misdemeanor crime of violence other than  
18 an offense set forth in subdivision (7) of this subsection in the five years immediately preceding the  
19 application;

20 (7) That the applicant has not been convicted of a misdemeanor crime of domestic violence  
21 as defined in 18 U. S. C. § 921(a)(33), or a misdemeanor offense of assault or battery either under  
22 the provisions of section twenty-eight, article two of this chapter or the provisions of subsection (b)

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1 or ©, section nine, article two of this chapter in which the victim was a current or former spouse,  
2 current or former sexual or intimate partner, person with whom the defendant cohabits or has  
3 cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's  
4 household at the time of the offense, or a misdemeanor offense with similar essential elements in a  
5 jurisdiction other than this state;

6 (8) That the applicant is not under indictment for a felony offense or is not currently serving  
7 a sentence of confinement, parole, probation or other court-ordered supervision imposed by a court  
8 of any jurisdiction or is the subject of an emergency or temporary domestic violence protective order  
9 or is the subject of a final domestic violence protective order entered by a court of any jurisdiction;

10 (9) That the applicant has not been adjudicated to be mentally incompetent or involuntarily  
11 committed to a mental institution. If the applicant has been adjudicated mentally incompetent or  
12 involuntarily committed the applicant must provide a court order reflecting that the applicant is no  
13 longer under such disability and the applicant's right to possess or receive a firearm has been  
14 restored;

15 (10) That the applicant is not prohibited under the provisions of section seven of this article  
16 or federal law, including 18 U. S. C. § 922(q) or (n), from receiving, possessing or transporting a  
17 firearm;

18 (11) That the applicant has qualified under the minimum requirements set forth in subsection  
19 (d) of this section for handling and firing the weapon: *Provided*, That this requirement shall be  
20 waived in the case of a renewal applicant who has previously qualified; and

21 (12) That the applicant authorizes the sheriff of the county, or his or her designee, to conduct  
22 an investigation relative to the information contained in the application.

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1 (b) For both initial and renewal applications, the sheriff shall conduct an investigation,  
2 including a nationwide criminal background check consisting of inquiries of the National Instant  
3 Criminal Background Check System, the West Virginia criminal history record responses and the  
4 National Interstate Identification Index, and shall review the information received in order to verify  
5 that the information required in subsection (a) of this section is true and correct. A license may not  
6 be issued unless the issuing sheriff has verified through the National Instant Criminal Background  
7 Check System that the information available to him or her does not indicate that receipt or  
8 possession of a firearm by the applicant would be in violation of the provisions of section seven of  
9 this article or federal law, including 18 U. S. C. § 922(g) or (n).

10 © Sixty dollars of the application fee and any fees for replacement of lost or stolen licenses  
11 received by the sheriff shall be deposited by the sheriff into a concealed weapons license  
12 administration fund. The fund shall be administered by the sheriff and shall take the form of an  
13 interest-bearing account with any interest earned to be compounded to the fund. Any funds  
14 deposited in this concealed weapon license administration fund are to be expended by the sheriff to  
15 pay the costs associated with issuing concealed weapons licenses. Any surplus in the fund on hand  
16 at the end of each fiscal year may be expended for other law-enforcement purposes or operating  
17 needs of the sheriff's office, as the sheriff considers appropriate.

18 (d) All persons applying for a license must complete a training course in handling and firing  
19 a handgun. The successful completion of any of the following courses fulfills this training  
20 requirement:

21 (1) Any official National Rifle Association handgun safety or training course;

22 (2) Any handgun safety or training course or class available to the general public offered by

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1 an official law-enforcement organization, community college, junior college, college or private or  
2 public institution or organization or handgun training school utilizing instructors certified by the  
3 institution;

4 (3) Any handgun training or safety course or class conducted by a handgun instructor certified  
5 as such by the state or by the National Rifle Association;

6 (4) Any handgun training or safety course or class conducted by any branch of the United  
7 States military, reserve or National Guard or proof of other handgun qualification received while  
8 serving in any branch of the United States military, reserve or National Guard.

9 A photocopy of a certificate of completion of any of the courses or classes or an affidavit  
10 from the instructor, school, club, organization or group that conducted or taught the course or class  
11 attesting to the successful completion of the course or class by the applicant or a copy of any  
12 document which shows successful completion of the course or class is evidence of qualification  
13 under this section.

14 (e) All concealed weapons license applications must be notarized by a notary public duly  
15 licensed under article four, chapter twenty-nine of this code. Falsification of any portion of the  
16 application constitutes false swearing and is punishable under the provisions of section two, article  
17 five, chapter sixty-one of this code.

18 (f) The sheriff shall issue a license unless he or she determines that the application is  
19 incomplete, that it contains statements that are materially false or incorrect or that applicant  
20 otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue  
21 or deny the license within forty-five days after the application is filed if all required background  
22 checks authorized by this section are completed.

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1 (g) Before any approved license is issued or is effective, the applicant shall pay to the sheriff  
2 a fee in the amount of \$25 which the sheriff shall forward to the Superintendent of the West Virginia  
3 State Police within thirty days of receipt. The license is valid for five years throughout the state,  
4 unless sooner revoked.

5 (h) Each license shall contain the full name and address of the licensee and a space upon  
6 which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign  
7 and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a  
8 duplicate license card, in size similar to other state identification cards and licenses, suitable for  
9 carrying in a wallet, and the license card is considered a license for the purposes of this section.

10 (I) The Superintendent of the West Virginia State Police shall prepare uniform applications  
11 for licenses and license cards showing that the license has been granted and shall do any other act  
12 required to be done to protect the state and see to the enforcement of this section.

13 (j) If an application is denied, the specific reasons for the denial shall be stated by the sheriff  
14 denying the application. Any person denied a license may file, in the circuit court of the county in  
15 which the application was made, a petition seeking review of the denial. The petition shall be filed  
16 within thirty days of the denial. The court shall then determine whether the applicant is entitled to  
17 the issuance of a license under the criteria set forth in this section. The applicant may be represented  
18 by counsel, but in no case is the court required to appoint counsel for an applicant. The final order  
19 of the court shall include the court's findings of fact and conclusions of law. If the final order  
20 upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate  
21 Procedure of the Supreme Court of Appeals. If the findings of fact and conclusions of law of the  
22 court fail to uphold the denial, the applicant is entitled to reasonable costs and attorney's fees,

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1 payable by the sheriff's office which issued the denial.

2 (k) If a license is lost or destroyed, the person to whom the license was issued may obtain a  
3 duplicate or substitute license for a fee of \$5 by filing a notarized statement with the sheriff  
4 indicating that the license has been lost or destroyed.

5 (l) Whenever any person after applying for and receiving a concealed handgun license moves  
6 from the address named in the application to another county within the state, the license remains  
7 valid for the remainder of the five years unless the sheriff of the new county has determined that the  
8 person is no longer eligible for a concealed deadly weapon license under this article and the sheriff  
9 shall issue a new license bearing the person's new address and the original expiration date for a fee  
10 not to exceed \$5: Provided, That the licensee within twenty days thereafter notifies the sheriff in the  
11 new county of residence in writing of the old and new addresses.

12 (m) The sheriff shall, immediately after the license is granted as aforesaid, furnish the  
13 Superintendent of the West Virginia State Police a certified copy of the approved application. The  
14 sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so requested  
15 a certified list of all licenses issued in the county. The Superintendent of the West Virginia State  
16 Police shall maintain a registry of all persons who have been issued concealed weapons licenses.

17 ~~(n) Except when subject to an exception under section six, article seven of this chapter, all~~  
18 ~~licensees shall carry with them a state-issued photo identification card with the concealed weapons~~  
19 ~~license whenever the licensee is carrying a concealed weapon. Any licensee who, in violation of this~~  
20 ~~subsection, fails to have in his or her possession a state-issued photo identification card and a current~~  
21 ~~concealed weapons license while carrying a concealed weapon is guilty of a misdemeanor and, upon~~  
22 ~~conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.~~



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1           ~~(n)~~ (n) The sheriff shall deny any application or revoke any existing license upon  
2 determination that any of the licensing application requirements established in this section have been  
3 violated by the licensee.

4           ~~(o)~~ (o) A person who is engaged in the receipt, review or in the issuance or revocation of a  
5 concealed weapon license does not incur any civil liability as the result of the lawful performance  
6 of his or her duties under this article.

7           ~~(p)~~ (p) Notwithstanding the provisions of subsection (a) of this section, with respect to  
8 application by a former law-enforcement officer honorably retired from agencies governed by article  
9 fourteen, chapter seven of this code; article fourteen, chapter eight of this code; article two, chapter  
10 fifteen of this code; and article seven, chapter twenty of this code, an honorably retired officer is  
11 exempt from payment of fees and costs as otherwise required by this section. All other application  
12 and background check requirements set forth in this shall be applicable to these applicants.

13           ~~(q)~~ (q) Except as restricted or prohibited by the provisions of this article or as otherwise  
14 prohibited by law, the issuance of a concealed weapon permit issued in accordance with the  
15 provisions of this section authorizes the holder of the permit to carry a concealed pistol or revolver  
16 on the lands or waters of this state.