

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2919

BY DELEGATES HOWELL, PAYNTER, HAMRICK, AND

LINVILLE

[Introduced March 05, 2021; Referred to the

Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §61-7-14a, relating to persons from another state storing firearms in this state;
3 providing that firearms may be stored in any storage location in this state not otherwise
4 prohibited by law; providing that information relating to firearms stored in this state shall
5 not be disseminated to law enforcement or other agency without meeting certain
6 conditions; providing that a judge must first order a person to provide information relating
7 to firearms stored in this state; providing that the judge must have clear and convincing
8 evidence that the firearm was used in a crime committed in another state or this state
9 before ordering information to be provided; providing that the owner or operator of a
10 storage location must provide only information ordered by a judge; providing that an owner
11 or operator of a storage location must not provide information without being first ordered
12 by a judge; providing for first time offense penalties; providing for subsequent offense
13 penalties; providing for an absolute defense for failing to provide information before being
14 ordered to provide information by a judge.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-14a. Right of persons to accept firearms to be stored in this state; right of privacy; penalties for violating privacy; defense.

1 (a) Any person from another state may store his or her firearms in West Virginia in any
2 storage location not otherwise prohibited by law to store firearms, including, but not limited to, a
3 public storage facility, private storage facility, locale, or other location, facility, or residence.

4 (b) Any information about firearms stored in this state shall not be provided to law
5 enforcement or any other agency seeking to gain information about a firearm unless the owner or
6 operator of a storage location pursuant to subsection (a) of this section is ordered to provide such
7 information by a judge in the county where the stored weapons are located. A judge shall order
8 an owner or operator of a storage location pursuant to subsection (a) of this section when clear

9 and convincing evidence is presented to the judge that the firearm was likely used in a crime
10 committed in this state or another state. The owner or operator of a storage location pursuant to
11 subsection (a) of this section shall provide all information to law enforcement or other agency
12 required by the order.

13 (c) Any owner or operator of a storage location pursuant to subsection (a) of this section
14 that provides any information about firearms stored by out-of-state persons in this state, without
15 being first ordered by a judge in the county where the firearms are stored to provide information,
16 is guilty of a misdemeanor and shall be fined \$1,000. Any subsequent violation of this subsection
17 shall cause the owner or operator of a storage location pursuant to subsection (a) of this section
18 to be fined \$5,000 and confined not more than 30 days.

19 (d) Any owner or operator of a storage location pursuant to subsection (a) of this section
20 shall have an absolute defense to any action relating to the persons failure to provide information
21 to law enforcement without first being order to provide information by a judge in the county where
22 the firearms are stored.

NOTE: The purpose of this bill is to protect the privacy of those who store firearms in this state.

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