

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

Senate Bill 485

BY SENATORS WELD, WOELFEL, AND WOODRUM

[Originating in the Committee on the Judiciary;

reported on March 29, 2021]

1 A BILL to amend and reenact §61-7-15a of the Code of West Virginia, 1931, as amended, relating
2 to use or presentation of a firearm during the commission of a felony; creating the offense
3 of possessing a firearm on one's person during the commission of certain qualifying felony
4 offenses; and defining "qualifying felony".

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. DANGEROUS WEAPONS.

**§61-7-15a. Use, possession, or presentation of a firearm during commission of a felony;
penalties.**

1 (a) As a separate and distinct offense, and in addition to any and all other offenses
2 provided for in this code, any person who, while ~~engaged in the attempt or the commission of~~
3 attempting to commit or committing a felony, uses, or presents a firearm shall be guilty of a felony
4 and, upon conviction, shall be imprisoned in a state correctional facility for not more than 10 years.

5 (b) As a separate and distinct offense, and in addition to any and all other offenses
6 provided for in this code, other than those set forth in subsection (c) of this section, any person
7 who, while attempting to commit or committing a qualifying felony, possesses on his or her person
8 a firearm, shall be guilty of a felony and, upon conviction, shall be imprisoned in a state
9 correctional facility for not more than 10 years.

10 (c) For purposes of subsection (b) of this section, "qualifying felony" means any of the
11 felony offenses in §60A-4-401(i), §60A-4-401(ii), §60A-4-406, felony provisions of §60A-4-409,
12 §60A-4-411, §60A-4-415, §60A-4-416(a), §61-2-1, §61-2-7, §61-2-9(a), §61-2-9b, §61-2-9d, §61-
13 2-10, §61-2-10b(b) and §61-2-10b(c), §61-2-10b(d), §61-2-12, §61-2-14, §61-3-1, §61-3-2, §61-
14 3-4, §61-3-5, §61-3-6, §61-3-7, §61-3-11, §61-3E-5, §61-5-27, §61-6-24, §61-8B-3, §61-8B-4,
15 §61-8B-5, §61-8B-7, or §61-8B-10 of this code.