

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 3267**

By Delegates Hillenbrand, Burkhammer, Street,  
Sheedy, Phillips, Foggin, Cooper, Steele, Thorne,  
Horst, and Coop-Gonzalez

[Introduced February 03, 2023; Referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to  
 2 requiring legislators who hold a current concealed carry permit to register with the Capitol  
 3 Police an intent to carry concealed firearms within the Capitol buildings.

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

**ARTICLE 6. CRIMES AGAINST THE PEACE.**

**§61-6-19. Willful disruption of governmental processes; offenses occurring at State Capitol Complex; penalties; concealed carry registration by legislators.**

1 (a) If any person willfully interrupts or molests the orderly and peaceful process of any  
 2 department, division, agency, or branch of state government or of its political subdivisions, he or  
 3 she is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100, or  
 4 confined in jail not more than six months, or both fined and confined: *Provided*, That any assembly  
 5 in a peaceable, lawful, and orderly manner for a redress of grievances is not a violation of this  
 6 section.

7 (b) (1) It is unlawful for any person to bring upon the State Capitol Complex any deadly  
 8 weapon as defined in §61-7-2 of this code: *Provided*, That a person who may lawfully possess a  
 9 firearm may keep a firearm in his or her motor vehicle upon the State Capitol Complex if the  
 10 vehicle is locked and the weapon is out of normal view, except legislators may carry concealed  
 11 firearms if the provisions of subsection (c) are met: *Provided, however*, That a person may not  
 12 carry upon the State Capitol Complex, a cannister of pepper spray as defined in §61-7-2 of this  
 13 code that exceeds one ounce. It is unlawful for any person to willfully deface any trees, wall, floor,  
 14 stairs, ceiling, column, statue, monument, structure, surface, artwork, or adornment in the State  
 15 Capitol Complex. It is unlawful for any person or persons to willfully block or otherwise willfully  
 16 obstruct any public access, stair, or elevator in the State Capitol Complex after being asked by a  
 17 law-enforcement officer acting in his or her official capacity to desist: *Provided further*, That in  
 18 order to preserve the constitutional right of the people to assemble, it is not willful blocking or willful  
 19 obstruction for persons gathered in a group or crowd if the persons move to the side or part to

20 allow other persons to pass by the group or crowd to gain ingress or egress: *And provided further,*  
21 That this subsection does not apply to a law-enforcement officer acting in his or her official  
22 capacity.

23 (2) Any person who violates this subsection is guilty of a misdemeanor and, upon  
24 conviction thereof, shall be fined not less than \$100, or confined in jail not more than six months, or  
25 both fined and confined.

26 (c) All legislators who are current holders of a concealed carry permit in this state and  
27 desire to carry on Capitol grounds shall register with the Capitol Police and provide the Capitol  
28 Police with a signed letter of intent to occasionally carry concealed firearms inside the Capitol  
29 building. Once the signed letter of intent to carry is filed, legislators may carry concealed firearms  
30 within the Capitol buildings.

NOTE: The purpose of this bill is to require legislators who hold a current concealed carry permit to register with the Capitol Police an intent to carry concealed firearms within the Capitol buildings.

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