

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2187

By Delegates D. Smith, Hite, Phillips, Heckert,
Crouse, Ellington, Brooks, Horst, W. Clark, Hornby,
and Pritt

[Introduced February 12, 2025; referred to the
Committee on Education then the Judiciary]

9 (A) On a school bus as defined in §17A-1-1 of this code;

10 (B) In or on the grounds of any primary or secondary educational facility of any type:
11 *Provided*, That it shall not be unlawful to possess a firearm or other deadly weapon in or on the
12 grounds of any private primary or secondary school, if such institution has adopted a written policy
13 allowing for possession of firearms or other deadly weapons in the facility or on the grounds of the
14 facility; or

15 (C) At a school-sponsored function that is taking place in a specific area that is owned,
16 rented, or leased by the West Virginia Department of Education, the West Virginia Secondary
17 Schools Activities Commission, a county school board, or local public school for the actual period
18 of time the function is occurring;

19 (2) This subsection does not apply to:

20 (A) A law-enforcement officer employed by a federal, state, county, or municipal law-
21 enforcement agency;

22 (B) Any probation officer appointed pursuant to §62-12-5 of this code or state juvenile
23 probation officer appointed pursuant to §49-4-719 of this code, in the performance of his or her
24 duties;

25 (C) Any home confinement supervisor employed by a county commission pursuant to §61-
26 11B-7a of this code in the performance of his or her duties;

27 (D) A state parole officer appointed pursuant to §15A-7-5 of this code, while in
28 performance of his or her official duties;

29 (E) A retired law-enforcement officer who meets all the requirements to carry a firearm as a
30 qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as
31 amended, pursuant to 18 U.S.C. § 926C(c), carries that firearm in a concealed manner, and has
32 on his or her person official identification in accordance with that act;

33 (F) A person, other than a student of a primary and secondary facility, specifically
34 authorized by the board of education of the county or principal of the school where the property is
35 located to conduct programs with valid educational purposes;

36 (G) A person who, as otherwise permitted by the provisions of this article, possesses an
37 unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly
38 weapon in a locked motor vehicle;

39 (H) Programs or raffles conducted with the approval of the county board of education or
40 school which include the display of unloaded firearms;

41 (I) The official mascot of West Virginia University, commonly known as the Mountaineer,
42 acting in his or her official capacity;

43 (J) The official mascot of Parkersburg South High School, commonly known as the Patriot,
44 acting in his or her official capacity; or

45 (K) Any person, 21 years old or older, who has a valid concealed handgun permit. That
46 person may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or
47 other areas of vehicular ingress or egress to a public school: *Provided*, That:

48 (i) When he or she is occupying the vehicle, the person stores the handgun out of view
49 from persons outside the vehicle; or

50 (ii) When he or she is not occupying the vehicle, the person stores the handgun out of view
51 from persons outside the vehicle, the vehicle is locked, and the handgun is in a glove box or other
52 interior compartment, or in a locked trunk, or in a locked container securely fixed to the vehicle.

53 (L) Teachers, Administrators, Support Personnel designated as School Protection Officers
54 (SPO).

55 (i) Any school district within the state shall designate one or more elementary or secondary
56 school teachers, administrators, or support personnel as a SPO if they have applied, met all of the
57 requirements and are otherwise eligible, subject to subsection (iii) of this section. The

58 responsibilities and duties of a SPO officer are voluntary and shall be in addition to the normal
59 responsibilities and duties of the teacher, administrator or support personnel.

60 (ii) Any person designated by a school district as a SPO shall be authorized to carry
61 concealed firearms, pepper spray, or a stun-gun or taser device in any school in the district. A
62 stun-gun means a hand-held close proximity device designed and manufactured for self-defense
63 which emits an electrical spark. A taser means any mechanism that is designed to emit an
64 electronic, magnetic, or other type of charge or shock through the use of a projectile and used for
65 the purpose of temporarily incapacitating a person. The SPO may not be permitted to allow any
66 firearm or device out of his or her personal control while that firearm or device is on school
67 property. Any SPO who violates this subsection may be removed immediately from the classroom
68 and subject to employment termination proceedings.

69 (iii) Any teacher, administrator, or support personnel of an elementary or secondary school
70 who seeks to be designated as a SPO shall request that designation in writing and submit it to the
71 superintendent of the school district which employs him or her as a teacher, administrator or
72 support personnel for approval. If the superintendent or county board denies a request to
73 designate an individual as an SPO, they must provide a written explanation detailing the specific
74 reasons for the denial, rather than issuing a general rejection. Along with this request, any
75 teacher, administrator, or support personnel seeking to carry a concealed firearm on school
76 property shall also submit proof that he or she has:

77 (I) A valid concealed carry endorsement or permit issued in this state.

78 (II) A certificate of a School Protection Officer Training Program (SPOTP) completion from
79 a training program which demonstrates that the person has successfully completed the
80 curriculum, instruction, and training established under §61-7-11a(b)(3) of this section and
81 regulated by the director of the West Virginia Justice and Community Services section within the
82 West Virginia Department of Homeland Security.

83 (iv) No school district may designate a teacher, administrator, or support personnel as a
84 school protection officer unless that person has successfully completed the SPOTP. No school
85 district may allow a SPO to carry a concealed firearm on school property unless the SPO has a
86 valid concealed carry endorsement or permit.

87 (v) Any school district that designates a teacher, administrator, or support personnel as an
88 SPO shall, within 10 days, notify, in writing, the director of the West Virginia Justice and
89 Community Services section within the West Virginia Department of Homeland Security of the
90 designation, which shall include the following:

91 (I) The full name, date of birth, and address of the SPO.

92 (II) The name of the school district, and

93 (III) The date the person completed training and was designated as a SPO.

94 (vi) Notwithstanding any other provisions of law to the contrary, any identifying information
95 collected under the authority of this subsection may not be considered public information and may
96 not be subject to a request for public records.

97 (vii) A school district may revoke the designation of a person as a SPO for any reason and
98 shall immediately notify the designated school protection officer in writing of the revocation. The
99 school district shall also within 10 days of the revocation notify the director of the West Virginia
100 Justice and Community Service section within the West Virginia Department of Homeland Security
101 in writing of the revocation of the designation of such person as a SPO. A person who has had the
102 designation of SPO officer revoked has the right to appeal the revocation decision to the director of
103 the West Virginia Justice and Community Service section within the West Virginia Department of
104 Homeland Security who has final decision authority.

105 (viii) The director of the West Virginia Justice and Community Services section within the
106 West Virginia Department of Homeland Security shall maintain a listing of all persons designated
107 by school districts as SPO's and shall make this list available to all law-enforcement agencies. The
108 list of an individuals designated as an SPO shall not be subject to a FOIA request.

109 (ix) Schools with other armed security, PRO or SRO, may have one or more SPO's armed
110 at the same time. Any SPO armed in schools with an armed PRO or SRO will identify themselves
111 and coordinate with the PRO or SRO daily.

112 (3) School Protection Officer Training Program (SPOTP) Curriculum, Instruction, and
113 Training.

114 (A) The Justice and Community Services section within the West Virginia Department of
115 Homeland Security shall develop curriculum and coordinate with local county law enforcement to
116 provide instruction and training, including firearms training, that prospective SPO's will complete to
117 be certified as a SPO. An individual shall successfully complete the curriculum, instruction, and
118 training so developed as a requirement to be permitted to convey deadly weapons or devices into
119 a school safety zone per this section of code.

120 (i) Initial instruction and training, which shall not exceed twenty-four hours;

121 (ii) Annual requalification training, which shall not exceed eight hours.

122 (iii) Nothing in this section prohibits a school district board of education or governing body
123 of a school from requiring additional training for an individual to which this section applies, not to
124 exceed four hours.

125 (B) The curriculum of the initial and requalification instruction and training required under
126 this section shall include instruction in all of the following:

127 (i) Mitigation techniques.

128 (ii) Communications capabilities and coordination and collaboration techniques.

129 (iii) Neutralization of potential threats and active shooters.

130 (iv) Accountability.

131 (v) Reunification.

132 (vi) Psychology of critical incidents.

133 (vii) De-escalation techniques.

134 (viii) Crisis intervention.

- 135 (ix) Trauma and first aid care.
- 136 (x) The history and pattern of school shootings.
- 137 (xi) Tactics of responding to critical incidents in schools.
- 138 (xii) At least four hours of the training will consist of scenario-based or simulated training
139 exercises.
- 140 (xiii) Completion of tactical live firearms training.
- 141 (xiv) Realistic urban training.
- 142 (4) Behavioral health assessment. Regional Comprehensive Behavioral Health Centers
143 will conduct a behavioral assessment screening yearly on all SPO's.
- 144 (5) Program Funding:
- 145 (A) There shall be Legislature appropriated funding of \$5,000.00 per county school district
146 opting into the SPO program to be used to conduct yearly training course, whether the training is a
147 full training or refresher training. If a district doesn't conduct a course of training, the amount of
148 funding will be returned. The total cost if all counties (55) participate will be in the amount of
149 \$275,000.00.
- 150 (B) The SPO volunteer applicant will fund both the initial and annual weapons qualification
151 costs, not to exceed the amount of \$50.00, for the course of fire, and supply his or her own
152 ammunition.
- 153 (6) An SPO or off-duty law enforcement officer may carry a concealed firearm at a school-
154 sponsored function that is taking place in a specific area that is owned, rented, or leased by the
155 West Virginia Department of Education, the West Virginia Secondary Schools Activities
156 Commission, a county school board, or local public school for the actual period of time the function
157 is occurring.
- 158 (7) An SPO shall be a permanent employee of the school where he or she is working.

159 ~~(3)~~(8) A person violating this subsection is guilty of a felony and, upon conviction thereof,
160 shall be imprisoned in a state correctional facility for a definite term of years of not less than two
161 years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

162 (c) A school principal subject to the authority of the State Board of Education who
163 discovers a violation of §61-7-11a(b) of this code shall report the violation as soon as possible to:

164 (1) The State Superintendent of Schools. The State Board of Education shall keep and
165 maintain these reports and may prescribe rules establishing policy and procedures for making and
166 delivering the reports as required by this subsection; and

167 (2) The appropriate local office of the State Police, county sheriff, or municipal police
168 agency.

169 (d) In addition to the methods of disposition provided by §49-5-1 *et seq.* of this code, a
170 court which adjudicates a person who is 14 years of age or older as delinquent for a violation of
171 §61-7-11a(b) of this code, may order the Division of Motor Vehicles to suspend a driver's license or
172 instruction permit issued to the person for a period of time as the court considers appropriate, not
173 to extend beyond the person's 19th birthday. If the person has not been issued a driver's license or
174 instruction permit by this state, a court may order the Division of Motor Vehicles to deny the
175 person's application for a license or permit for a period of time as the court considers appropriate,
176 not to extend beyond the person's 19th birthday. A suspension ordered by the court pursuant to
177 this subsection is effective upon the date of entry of the order. Where the court orders the
178 suspension of a driver's license or instruction permit pursuant to this subsection, the court shall
179 confiscate any driver's license or instruction permit in the adjudicated person's possession and
180 forward it to the Division of Motor Vehicles.

181 (e)(1) If a person 18 years of age or older is convicted of violating §61-7-11a(b) of this code,
182 and if the person does not act to appeal the conviction within the time periods described in §61-7-
183 11a(e)(2) of this code, the person's license or privilege to operate a motor vehicle in this state shall
184 be revoked in accordance with the provisions of this section.

185 (2) The clerk of the court in which the person is convicted as described in §61-7-11a(e)(1)
186 of this code shall forward to the commissioner a transcript of the judgment of conviction. If the
187 conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the
188 transcript when the person convicted has not requested an appeal within 20 days of the
189 sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk
190 shall forward a transcript of the judgment of conviction when the person convicted has not filed a
191 notice of intent to file a petition for appeal or writ of error within 30 days after the judgment was
192 entered.

193 (3) If, upon examination of the transcript of the judgment of conviction, the commissioner
194 determines that the person was convicted as described in §61-7-11a(e)(1) of this code, the
195 commissioner shall make and enter an order revoking the person's license or privilege to operate
196 a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled
197 in a secondary school, for a period of one year or until the person's 20th birthday, whichever is the
198 greater period. The order shall contain the reasons for the revocation and the revocation period.
199 The order of suspension shall advise the person that because of the receipt of the court's
200 transcript, a presumption exists that the person named in the order of suspension is the same
201 person named in the transcript. The commissioner may grant an administrative hearing which
202 substantially complies with the requirements of the provisions of §17C-5A-2 of this code upon a
203 preliminary showing that a possibility exists that the person named in the notice of conviction is not
204 the same person whose license is being suspended. The request for hearing shall be made within
205 10 days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for
206 the person requesting the hearing to present evidence that he or she is not the person named in
207 the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the
208 license suspension pending the commissioner's order resulting from the hearing.

209 (4) For the purposes of this subsection, a person is convicted when he or she enters a plea
210 of guilty or is found guilty by a court or jury.

211 (f)(1) It is unlawful for a parent, guardian, or custodian of a person less than 18 years of age
212 who knows that the person is in violation of §61-7-11a(b) of this code or has reasonable cause to
213 believe that the person's violation of §61-7-11a(b) of this code is imminent to fail to immediately
214 report his or her knowledge or belief to the appropriate school or law-enforcement officials.

215 (2) A person violating this subsection is guilty of a misdemeanor and, upon conviction
216 thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or
217 both fined and confined.

218 (g)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the
219 premises of a court of law, including family courts.

220 (2) This subsection does not apply to:

221 (A) A law-enforcement officer acting in his or her official capacity; and

222 (B) A person exempted from the provisions of this subsection by order of record entered by
223 a court with jurisdiction over the premises or offices.

224 (3) A person violating this subsection is guilty of a misdemeanor and, upon conviction
225 thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or
226 both fined and confined.

227 (h)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the
228 premises of a court of law, including family courts, with the intent to commit a crime.

229 (2) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall
230 be imprisoned in a state correctional facility for a definite term of years of not less than two years
231 nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

232 (i) Nothing in this section may be construed to be in conflict with the provisions of federal
233 law.

NOTE: The purpose of this bill is to authorize teachers in elementary or secondary schools to carry concealed firearms and be designated as a school protection officer (SPO).

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