

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 270

BY SENATORS MARTIN, ROSE, THORNE, DEEDS, PHILLIPS,
RUCKER, HART, BARTLETT, AND MORRIS

[Passed April 9, 2025; in effect 90 days from passage
(July 8, 2025)]

1 AN ACT to amend and reenact §15-5-19a of the Code of West Virginia, 1931, as amended,
2 relating to limiting restrictions of firearms owners during certain states of emergency and
3 other like states; declaring the sale, repair, maintenance, and manufacture of firearms,
4 ammunition, and related accessories and components to be essential businesses and
5 services for the purposes of safety and security in times of declared emergency or any
6 other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil
7 disorder, or other emergencies; adding entities engaged in providing firearms safety
8 training, or firearms safety instructor courses, classes, or programs to a list of entities the
9 operation of which may not be restricted by state action in an emergency; limiting
10 restrictions on lawful hunting or fishing activities in an emergency; prohibiting specific
11 governmental regulation of firearms, ammunition, components or accessories of any kind
12 or nature, or their use or possession; extending the expiration date of concealed license
13 during emergencies; providing enumerated exceptions that would permit limited
14 government action in the regulation of firearms in emergencies in certain narrowly tailored
15 factual scenarios; creating an action for damages, injunctive relief, declaratory relief, or
16 other appropriate redress for the unlawful seizure or confiscation of firearms or related
17 accessories and components; and providing for civil damages.

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

**ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY
MANAGEMENT.**

§15-5-19a. Possession of firearms during a declared state of emergency.

1 (a) Notwithstanding any other provision of law to the contrary, the transport, storage,
2 transfer, sale, commerce in, import and export of, distribution, repair, maintenance, and
3 manufacture of firearms, ammunition, and related accessories and components, and other goods
4 and services directly related to lawful firearm possession, use, storage, repair, maintenance, and

5 training in the use of firearms, are declared to be "essential" businesses and services for the
6 purposes of safety and security in times of declared emergency or any other statutorily authorized
7 responses to disaster, war, acts of terrorism, riot or civil disorder, or emergencies of whatever
8 kind or nature.

9 (b) Except as provided in this section, no state agency, political subdivision, or any elected
10 or appointed official or employee thereof, may, under any governmental authority or color of law
11 exercised as part of any statutorily authorized responses to disaster, war, acts of terrorism, riot or
12 civil disorder, or as part of any federal or state declared state of emergency or preparedness of
13 whatever kind or nature:

14 (1) Prohibit or restrict the otherwise lawful possession, use, carrying, transfer,
15 transportation, storage, sale, display, or other lawful use of a firearm or ammunition, any firearm
16 or ammunition component or accessory, ammunition reloading equipment and supplies, or
17 personal weapons other than firearms;

18 (2) Seize, confiscate, or authorize the seizure or confiscation of any otherwise lawfully
19 possessed firearm or ammunition, any firearm or ammunition component or accessory,
20 ammunition reloading equipment and supplies, or otherwise lawful personal weapons other than
21 firearms unless:

22 (A) The person acting on behalf of or under the authority of the state, a county, or
23 municipality is:

24 (i) Defending himself or herself or another from an assault; or

25 (ii) Arresting a person in actual possession of a firearm or ammunition for a violation of
26 law; or

27 (B) The firearm or ammunition is being seized or confiscated as evidence of a crime;

28 (3) Require registration of any firearm or ammunition, any firearm or ammunition
29 component or accessory, ammunition reloading equipment and supplies, or otherwise lawful
30 personal weapons other than firearms;

31 (4) Suspend or revoke a license to carry a concealed deadly weapon or provisional license
32 to carry a concealed deadly weapon issued pursuant to §61-7-1 *et seq.* of this code except as
33 expressly authorized in that article;

34 (5) Willfully refuse to accept an application for a license to carry a concealed deadly
35 weapon or provisional license to carry a concealed deadly weapon, provided the application has
36 been properly completed in accordance with §61-7-1 *et seq.* of this code;

37 (6) Close or limit the operating hours of any entity engaged in the lawful selling or servicing
38 of any firearm, including any component or accessory, ammunition, ammunition reloading
39 equipment and supplies, or personal weapons other than firearms;

40 (7) Close or limit the operating hours of any indoor or outdoor shooting range; or any entity
41 engaged in providing firearms safety training or firearms safety instructor courses, classes, or
42 programs;

43 (8) Place restrictions or quantity limitations on any entity regarding the lawful sale or
44 servicing of any firearm or ammunition, any firearm or ammunition component or accessory,
45 ammunition reloading equipment and supplies, or personal weapons other than firearms; or

46 (9) Suspend, restrict, or prohibit otherwise lawful hunting or fishing activities

47 (c) The prohibitions of §15-5-19a(b)(1) do not prohibit the state or an authorized state or
48 local authority from ordering and enforcing an evacuation or general closure of businesses in the
49 affected area during a declared state of emergency.

50 (d)(1) If a license to carry a concealed deadly weapon or provisional license to carry a
51 concealed deadly weapon has been issued to a person pursuant to §61-7-4 of this code, and if
52 the date that the valid and subsisting license would or is scheduled to expire falls within the period
53 of emergency declared by the Governor's executive order or the 14 days immediately preceding
54 that declaration, then, notwithstanding the date of scheduled expiration, the duration of that
55 license is automatically extended for a period of 60 days commencing from the date of the

license's scheduled expiration or 30 days commencing from the termination of the state of emergency, whichever is later.

(2) If §15-5-19a(d)(1) of this subsection applies with respect to a license to carry a concealed deadly weapon or provisional license to carry a concealed deadly weapon, then during the extension period described in that section that is applicable to that license, all of the following apply:

(A) The license shall be valid for all purposes under the laws of this state and the person to whom the license was issued shall be considered for all purposes under the laws of this state to be the holder of a valid license to carry a concealed handgun;

(B) The license remains subject to the operation of §61-7-1, *et seq.*, of this code during the extended period of the license and at any other time; and

(C) Except for the date of scheduled expiration, all other conditions, and restrictions otherwise applicable to the license and the license holder continue to apply during the extended period of the license and at any other time.

(e) This section shall not apply to the following:

(1) The authority of a chief administrative officer of a political subdivision with police powers to prohibit the sale, offering for sale, dispensing, or transportation of firearms or other dangerous weapons, ammunition, dynamite, or other dangerous explosives in, to, or from a cordoned-off area when engaged in suppressing a riot or when there is a clear and present danger of a riot as that term is delineated in §15-1D-1 *et. seq.* of this code;

(2) The ability of a law-enforcement officer to remove firearms or ammunition from any person pursuant to other lawful authority: *Provided*, That before releasing the individual, the law-enforcement officer shall return to the individual any seized firearms and ammunition, and components thereof, and any firearms accessories and ammunition-reloading equipment and supplies, unless:

81 (A) The officer takes the individual into physical custody for engaging in criminal activity
82 or for observation; or

83 (B) Seizes the items as evidence pursuant to an investigation for the commission of a
84 crime; or

85 (3) A zoning ordinance that specifies the hours of operation or the geographic areas where
86 the commercial sale of firearms, firearm components, or ammunition for firearms may occur:
87 *Provided*, that the zoning ordinance is consistent with the provisions of §8-12-5a(h)(2) of this
88 code.

89 (f)(1) Any individual, person, group, or entity adversely affected by a violation of this
90 section, or by any manner of law, ordinance, rule, regulation, resolution, practice, or other action
91 enacted or enforced in violation of the provisions of this section, may seek relief in an action at
92 law or in equity for damages, injunctive relief, declaratory relief, or other appropriate redress
93 against any state agency, county, municipality, or other political subdivision of this state, or
94 against any elected or appointed official or employee of this state, a county, municipality or any
95 other political subdivision of this state, that subjects the individual, or causes the individual, to be
96 subjected, to an action prohibited by this section.

97 (2) Such suit may be filed:

98 (A) In the court having jurisdiction over the county in which the aggrieved person resides,
99 or group or entity is located, or in which the violation occurred; or

100 (B) In the case of an action by the state or any state agency, in the circuit court of Kanawha
101 County.

102 (g) In addition to any other remedy at law or in equity, an individual who is adversely
103 affected by the seizure or confiscation of any firearm or ammunition component or accessory,
104 ammunition reloading equipment and supplies, or otherwise lawful personal weapons other than
105 firearms in violation of this section:

(1) May bring an action for the return of the seized or confiscated property in the circuit court of the county in which that individual resides or in which the seized or confiscated property is located and, except where those weapons have been seized as part of a lawful arrest as provided in §15-5-19a(d)(2), that court shall order the immediate return of the items by the seizing or confiscating governmental office and that office's employed officials; and

(2) That individual shall also be entitled to recover a civil penalty for damages, in the amount of \$5,000 per violation, against any person who violates the seizure or confiscation restrictions in this section.

(3) A prevailing plaintiff in an action brought under §15-5-19a(f) or §15-5-19a(g) is also entitled to recover the following:

(A) Actual damages, including consequential damages;

(B) Court costs and fees; and

(C) Reasonable attorney's fees.

(4) And, any award to a prevailing plaintiff under the provisions of §15-5-19a(f) or §15-5-19a(g) may be awarded regardless of whether the law, ordinance, rule, regulation, resolution, practice, or action or the manner of its enforcement is repealed or rescinded, or, expires after the civil action was filed but prior to a final court determination of the action.

The Clerk of the Senate and the Clerk of the House of Delegates hereby
certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2025.

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Governor