

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 449**

BY SENATORS TARR, GRADY, BARTLETT, HAMILTON,

PHILLIPS, WOODRUM, AND ROSE

[Reported March 12, 2025, from the Committee on  
Education]



1 A BILL to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended; and to  
2 amend the code by adding a new section, designated §18-2-46, relating to permitting air  
3 rifles and rimfire rifles on school buses solely during transportation to or from a school-  
4 sponsored shooting team event, on the grounds of any primary or secondary educational  
5 facility of any type for shooting team purposes, and at a school-sponsored shooting team  
6 function that is taking place in a specific area that is owned, rented, or leased by West  
7 Virginia Department of Education, the West Virginia Secondary School Activities  
8 Commission, a county school board, or local public school; and requiring that during the  
9 school day or at any time other than school-sponsored team events or practices, the air  
10 rifles and rimfire rifles be locked up in a location where students do not have access.

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

## **CHAPTER 18. EDUCATION.**

### **ARTICLE 2. STATE BOARD OF EDUCATION.**

#### **§18-2-46. Air rifles and rimfire rifles permitted for school teams.**

1 (a) Legislative intent. – The popularity of air rifle and rimfire rifle teams are expanding in  
2 the state and across the country. Current code is unclear as to the legality of these rifles to be  
3 permitted on school grounds. For that reason, definitions are needed, and enactment should be  
4 carried out to ensure the support and continuation of such clubs.

5 (b) Definitions. – The following definitions apply to this section:

6 (1) "Air rifle" or "compressed air rifle" means a rifle, gun, or other firearm that uses  
7 compressed air or gas to propel projectiles, such as pellets, rather than relying on the explosive  
8 force of gunpowder like traditional firearms.

9 (2) "Rimfire rifle" means a firearm that uses rimfire ammunition, which is a type of metallic  
10 cartridge with a primer in the rim of the casing, wherein the firing pin strikes the rim, igniting the  
11 primer and propelling the bullet down the barrel.

12        (c) *Enactment.* – Air rifles and rimfire rifles are permitted on school buses solely during  
13 transportation to or from a school-sponsored shooting team event; on the grounds of any primary  
14 or secondary educational facility of any type for shooting team purposes; and at a school-  
15 sponsored shooting team function that is taking place in a specific area that is owned, rented, or  
16 leased by the West Virginia Department of Education, the West Virginia Secondary School  
17 Activities Commission, a county school board, or local public school: *Provided*, That during the  
18 school day or at any time other than school-sponsored team events or practices, the air rifles and  
19 rimfire rifles shall be locked in a location where students do not have access.

## CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

### ARTICLE 7. DANGEROUS WEAPONS.

**§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.**

1        (a) The Legislature finds that the safety and welfare of the citizens of this state are  
2 inextricably dependent upon assurances of safety for children attending and persons employed  
3 by schools in this state and for persons employed by the judicial department of this state. It is for  
4 the purpose of providing assurances of safety that §61-7-11a(b), §61-7-11a(g), §61-7-11a(h), and  
5 §61-7-11a(b)(2)(I) of this code are enacted as a reasonable regulation of the manner in which  
6 citizens may exercise the rights accorded to them pursuant to section 22, article III of the  
7 Constitution of the State of West Virginia.

8        (b) (1) It is unlawful to possess a firearm or other deadly weapon:

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

allowing for possession of firearms or other deadly weapons in the facility or on the grounds of the facility; or

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

(2) This subsection does not apply to:

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

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

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

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

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

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

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

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

(I) Air rifles and rimfire rifles possessed for the purpose of shooting teams to the extent permitted pursuant to §18-2-46;

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

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

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

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

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

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

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

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

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

66           (d) In addition to the methods of disposition provided by §49-5-1 *et seq.* of this code, a  
67 court which adjudicates a person who is 14 years of age or older as delinquent for a violation of  
68 §61-7-11a(b) of this code, may order the Division of Motor Vehicles to suspend a driver's license  
69 or instruction permit issued to the person for a period of time as the court considers appropriate,  
70 not to extend beyond the person's 19th birthday. If the person has not been issued a driver's  
71 license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny  
72 the person's application for a license or permit for a period of time as the court considers  
73 appropriate, not to extend beyond the person's 19th birthday. A suspension ordered by the court  
74 pursuant to this subsection is effective upon the date of entry of the order. Where the court orders  
75 the suspension of a driver's license or instruction permit pursuant to this subsection, the court  
76 shall confiscate any driver's license or instruction permit in the adjudicated person's possession  
77 and forward it to the Division of Motor Vehicles.

78           (e)(1) If a person 18 years of age or older is convicted of violating §61-7-11a(b) of this  
79 code, and if the person does not act to appeal the conviction within the time periods described in  
80 §61-7-11a(e)(2) of this code, the person's license or privilege to operate a motor vehicle in this  
81 state shall be revoked in accordance with the provisions of this section.

82           (2) The clerk of the court in which the person is convicted as described in §61-7-11a(e)(1)  
83 of this code shall forward to the commissioner a transcript of the judgment of conviction. If the  
84 conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the  
85 transcript when the person convicted has not requested an appeal within 20 days of the  
86 sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk  
87 shall forward a transcript of the judgment of conviction when the person convicted has not filed a  
88 notice of intent to file a petition for appeal or writ of error within 30 days after the judgment was  
89 entered.

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

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

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

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



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

118 (2) This subsection does not apply to:

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

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

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

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

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

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