

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **ENROLLED**

## **House Bill 4106**

BY DELEGATES HORST, BROOKS, DEAN, HOLSTEIN,  
KIMBLE, MALLOW, MARTIN, MASTERS, PHILLIPS,  
RIDENOUR, AND B. WARD

[Passed March 14, 2026; in effect 90 days from  
passage (June 12, 2026)]



1 AN ACT to amend and reenact §61-7-6, §61-7-7, and §61-7-8 of the Code of West Virginia, 1931,  
2 as amended; and to repeal §61-7-3, relating to recognizing the right of persons 18 to 20  
3 years old to carry a concealed deadly weapon without first obtaining a license; repealing  
4 the crime of carrying a deadly weapon without a license for person under 21 years of age;  
5 repealing the exceptions to prohibitions for persons 18 to 20 years old carrying concealed  
6 handguns; clarifying that certain persons 18 years of age or older have the right to carry  
7 concealed deadly weapons without first obtaining a license; clarifying that a minor  
8 unlawfully carrying a deadly weapon may be adjudicated delinquent as if he or she  
9 committed a violation of §61-7-7(a); clarifying and creating certain acts of delinquency and  
10 penalties; and making technical corrections.

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

**ARTICLE 7. DANGEROUS WEAPONS.**

**§61-7-3. Carrying a deadly weapon without provisional license or other authorization by  
persons under twenty-one years of age; penalties.**

1 [Repealed.]

**§61-7-6. Exemptions from licensing fees.**

2 The following judicial officers and prosecutors and staff are exempt from paying any  
3 application fees or licensure fees required under this article. However, they shall make application  
4 and satisfy all licensure and handgun safety and training requirements to obtain a license as set  
5 forth in §61-7-4 of this code:

6 (1) Any justice of the Supreme Court of Appeals of West Virginia;

7 (2) Any circuit judge;

8 (3) Any retired justice or retired circuit judge designated senior status by the Supreme  
9 Court of Appeals of West Virginia;

10 (4) Any family court judge;

11 (5) Any magistrate;

- 12 (6) Any prosecuting attorney;
- 13 (7) Any assistant prosecuting attorney; or
- 14 (8) Any duly appointed investigator employed by a prosecuting attorney.

**§61-7-7. Persons prohibited from possessing firearms; classifications; right of nonprohibited persons over 18 years of age to carry concealed deadly weapons; offenses and penalties; reinstatement of rights to possess; offenses; penalties.**

1 (a) Except as provided in this section, no person shall possess a firearm, as such is  
2 defined in §61-7-2 of this code, who:

3 (1) Has been convicted in any court of a crime punishable by imprisonment for a term  
4 exceeding one year;

5 (2) Is habitually addicted to alcohol;

6 (3) Is an unlawful user of or habitually addicted to any controlled substance;

7 (4) Has been adjudicated to be mentally incompetent or who has been involuntarily  
8 committed to a mental institution pursuant to the provisions of §27-1-1 *et seq.* of this code or in  
9 similar law of another jurisdiction: *Provided*, That once an individual has been adjudicated as a  
10 mental defective or involuntarily committed to a mental institution, he or she shall be duly notified  
11 that they are to immediately surrender any firearms in their ownership or possession: *Provided*,  
12 *however*, That the mental hygiene commissioner or circuit judge shall first make a determination  
13 of the appropriate public or private individual or entity to act as conservator for the surrendered  
14 property;

15 (5) Is an alien illegally or unlawfully in the United States;

16 (6) Has been discharged from the armed forces under dishonorable conditions;

17 (7) Is subject to a domestic violence protective order that:

18 (A) Was issued after a hearing of which such person received actual notice and at which  
19 such person had an opportunity to participate;

20 (B) Restrains such person from harassing, stalking or threatening an intimate partner of  
21 such person or child of such intimate partner or person, or engaging in other conduct that would  
22 place an intimate partner in reasonable fear of bodily injury to the partner or child; and

23 (C)(i) Includes a finding that such person represents a credible threat to the physical safety  
24 of such intimate partner or child; or

25 (ii) By its terms explicitly prohibits the use, attempted use or threatened use of physical  
26 force against such intimate partner or child that would reasonably be expected to cause bodily  
27 injury; or

28 (8) Has been convicted of a misdemeanor offense of assault or battery either under the  
29 provisions of §61-2-28 of this code or the provisions of §61-2-9(b) or §61-2-9(c) of this code or a  
30 federal or state statute with the same essential elements in which the victim was a current or  
31 former spouse, current or former sexual or intimate partner, person with whom the defendant has  
32 a child in common, person with whom the defendant cohabits or has cohabited, a parent or  
33 guardian, the defendant's child or ward or a member of the defendant's household at the time of  
34 the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor  
35 crime of domestic violence.

36 Any person who violates the provisions of this subsection shall be guilty of a misdemeanor  
37 and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined  
38 in the county jail for not less than 90 days nor more than one year, or both.

39 (b) Notwithstanding the provisions of subsection (a) of this section, any person:

40 (1) Who has been convicted in this state or any other jurisdiction of a felony crime of  
41 violence against the person of another or of a felony sexual offense; or

42 (2) Who has been convicted in this state or any other jurisdiction of a felony controlled  
43 substance offense involving a Schedule I controlled substance other than marijuana, a Schedule  
44 II or a Schedule III controlled substance as such are defined in §60A-2-204, §60A-2-206, and  
45 §60A-2-208 of this code and who possesses a firearm as such is defined in section two of this

46 article shall be guilty of a felony and, upon conviction thereof, shall be confined in a state  
47 correctional facility for not more than five years or fined not more than \$5,000, or both. The  
48 provisions of subsection (f) of this section shall not apply to persons convicted of offenses referred  
49 to in this subsection or to persons convicted of a violation of this subsection.

50 (c) Any person may carry a concealed deadly weapon without a license therefor who is:

51 (1) At least 18 years of age;

52 (2) A United States citizen or legal resident thereof;

53 (3) Not prohibited from possessing a firearm under the provisions of this section; and

54 (4) Not prohibited from possessing a firearm under the provisions of 18 U. S. C. §922(g)

55 or (n).

56 (d) As a separate and additional offense to the offense provided for in subsection (a) of  
57 this section, and in addition to any other offenses outlined in this code, and except as provided  
58 by subsection (e) of this section, any person prohibited by subsection (a) of this section from  
59 possessing a firearm who carries a concealed firearm is guilty of a felony and, upon conviction  
60 thereof, shall be confined in a state correctional facility for not more than three years or fined not  
61 more than \$5,000, or both.

62 (e) As a separate and additional offense to the offense described in subsection (b) of this  
63 section, and in addition to any other offenses outlined in this code, any person prohibited by  
64 subsection (b) of this section from possessing a firearm who carries a concealed firearm is guilty  
65 of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not  
66 more than ten years or fined not more than \$10,000, or both.

67 (f) Any person prohibited from possessing a firearm by the provisions of subsection (a) of  
68 this section may petition the circuit court of the county in which he or she resides to regain the  
69 ability to possess a firearm and if the court finds by clear and convincing evidence that the person  
70 is competent and capable of exercising the responsibility concomitant with the possession of a  
71 firearm, the court may enter an order allowing the person to possess a firearm if such possession

72 would not violate any federal law: *Provided*, That a person prohibited from possessing a firearm  
73 by the provisions of subdivision (4), subsection (a) of this section may petition to regain the ability  
74 to possess a firearm in accordance with the provisions of §61-7A-5 of this code.

75 (g) Any person who has been convicted of an offense which disqualifies him or her from  
76 possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set  
77 aside or who subsequent thereto receives an unconditional pardon for said offense shall not be  
78 prohibited from possessing a firearm by the provisions of the section.

**§61-7-8. Possession of deadly weapons by minors; prohibitions.**

1 (a) Notwithstanding any other provision of this article to the contrary, a person under the  
2 age of 18 years who is not married or otherwise emancipated shall not possess or carry concealed  
3 or openly any deadly weapon: *Provided*, That a minor may possess a firearm upon premises  
4 owned by the minor or his or her family or on the premises of another with the permission of his  
5 or her parent or guardian and in the case of property other than his or her own or that of his or  
6 her family, with the permission of the owner or lessee of the property: *Provided, however*, That  
7 nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful  
8 manner or while traveling from a place where he or she may lawfully possess a deadly weapon,  
9 to a hunting site, and returning to a place where he or she may lawfully possess the weapon.

10 (b) A violation of this section by a person under the age of 18 years shall subject the child  
11 to the jurisdiction of the circuit court under the provisions of §49-4-701 through §49-4-725 of this  
12 code, and the minor may be proceeded against in the same manner as if he or she had committed  
13 an act which if committed by an adult would be a violation of §61-7-7(a) of this code, and may be  
14 adjudicated delinquent.



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

.....  
*Clerk of the House of Delegates*

.....  
*Clerk of the Senate*

Originated in the House of Delegates.

In effect 90 days from passage.

.....  
*Speaker of the House of Delegates*

.....  
*President of the Senate*

\_\_\_\_\_

The within is ..... this the.....  
Day of ....., 2026.

.....  
*Governor*