

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4190

By Delegate Horst

[Introduced January 14, 2026; referred to the
Committee on the Judiciary]

A BILL to amend and reenact §61-7-7 of the Code of West Virginia, 1931, as amended, and to amend the code by adding a new section, designated §62-12-30, relating to the restoration of civil rights; clarifying that a petition to restore firearms rights may include restoration of the right to serve on a jury; authorizing the automatic restoration of the rights to serve on a jury and possess firearms for certain nonviolent felons; clarifying the persons who may seek a petition to restore firearms rights; clarifying that the court has authority to restore certain rights to serve on a jury; creating definitions; clarifying applicability; and requiring the publication of certain guidance by the Attorney General.

Be it enacted by the Legislature of West Virginia:

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

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

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

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

(2) Is habitually addicted to alcohol;

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

(4) Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of ~~chapter twenty-seven~~ §27-1-1 et seq. of this code or in similar law of another jurisdiction: *Provided*, That once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she

11 shall be duly notified that they are to immediately surrender any firearms in their ownership or
12 possession: *Provided, however,* That the mental hygiene commissioner or circuit judge shall first
13 make a determination of the appropriate public or private individual or entity to act as conservator
14 for the surrendered 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 ~~section twenty-eight, article two of this chapter~~ §61-2-28 of this code or the provisions
30 of subsection (b) or (c), ~~section nine of said article~~ of §61-2-9 of this code or a federal or state
31 statute with the same essential elements in which the victim was a current or former spouse,
32 current or former sexual or intimate partner, person with whom the defendant has a child in
33 common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the
34 defendant's child or ward or a member of the defendant's household at the time of the offense or
35 has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of
36 domestic violence.

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

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

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

(2) Who has been convicted in this state or any other jurisdiction of a felony controlled substance offense involving a Schedule I controlled substance other than marijuana, a Schedule II or a Schedule III controlled substance as such are defined in ~~sections two hundred four, two hundred five and two hundred six, article two, chapter sixty-a~~ §60A-2-204, § 60A-2-206, and §60A-2-208 of this code and who possesses a firearm as such is defined in ~~section two of this article~~ §61-7-2 of this code shall be guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not more than five years or fined not more than \$5,000, or both. The provisions of subsection (f) of this section shall not apply to persons convicted of offenses referred to in subdivision (1) of this subsection or to persons convicted of a violation of this subsection.

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

(1) At least ~~twenty-one~~ 21 years of age;

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

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

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

(n).

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

more than \$5,000, or both.

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

(f) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to serve on a jury and to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to serve on a jury and to possess a firearm if such possession would not violate any federal law: *Provided*, That a person prohibited from possessing a firearm by the provisions of subdivision (4), subsection (a) of this section may petition to regain the ability to possess a firearm in accordance with the provisions of ~~section five, article seven-a of this chapter~~ §61-7A-5 of this code.

(g) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside, ~~or~~ who subsequent thereto receives an unconditional pardon for said offense, or whose rights have been restored pursuant to subsection (f) of this section or §62-12-30 of this code shall not be prohibited from possessing a firearm by the provisions of the section.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 12. PROBATION AND PAROLE.

§62-12-30. Automatic restoration of civil rights for first offenders; firearms rights.

(a)(1) Notwithstanding the provisions of §52-1-8 or §61-7-7 of this code, on completion of parole or probation or absolute discharge from imprisonment for a nonviolent felony offense

3 committed in this state, the right to serve on a jury and the right to possess a firearm that were lost
4 as a result of the conviction shall be automatically restored to any person who has not previously
5 been convicted of a felony offense or other disqualifying offense under state or federal law:
6 *Provided*, That the automatic restoration of rights under this subdivision shall not apply to any
7 person whose right to hold elected office or right to vote have not been restored by operation of
8 law.

9 (2) A person who is entitled to the restoration of rights pursuant to this subdivision (1) of
10 this subsection is not required to file a petition pursuant to §61-7-7(f) of this code to have his or her
11 rights to possess a firearm automatically restored: *Provided*, That he or she may file a petition
12 pursuant to that subsection in order to obtain documentation that his or her right to serve on a jury
13 and right to possess a firearm have been automatically restored, and the court shall summarily
14 grant the petition without holding a hearing: *Provided, however*, That nothing in this subdivision
15 precludes the court from requiring supporting documentation from an eligible petitioner for
16 purposes of verifying that the petitioner is entitled to automatic restoration prior to entry of an order
17 granting the petition.

18 (b) This section shall not apply to a person convicted of any of the following:

19 (1) Any offenses outlined in §61-7-7(b) of this code;

20 (2) Any felony offense where the victim is a minor child;

21 (3) Any felony offense of cruelty to animals;

22 (4) Any felony offense involving the use or presentment of a deadly weapon as that term is
23 defined in §61-7-2 of this code;

24 (5) Any felony offense which involves potential, actual, or threatened violence to a person
25 or the public or the solicitation of another to commit a violation of the law which constitutes a felony
26 crime of violence against the person;

27 (6) Any felony offense of conspiracy to commit any of the offenses listed in this subdivision;

28 (7) Any felony offense involving the intentional infliction of bodily injury; or

- 29 (8) Any felony offense punishable by life imprisonment.
- 30 (c) For purposes of this subsection, "nonviolent felony" means any felony offense under
31 the provisions of this code not listed in subsection (b) of this section.
- 32 (d) Nothing in this section shall be construed as limiting or amending the restoration of the
33 rights to hold elected office or to vote as otherwise set forth and restored pursuant to the provisions
34 of this code or otherwise by operation of law.
- 35 (e) On or before January 1, 2027, and as often thereafter as he or she shall consider
36 necessary, the Attorney General shall publish guidance on concealed deadly weapon laws in this
37 state which shall include guidance on the restoration of rights provided in this section.

NOTE: The purpose of this bill is to provide for the automatic restoration of civil rights for certain nonviolent first offenders.

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