

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Introduced**

## **House Bill 4372**

By Delegates D. Smith, Foggin, Crouse, Horst,  
Masters, Heckert, Riley, Marple, Pritt, Phillips, and  
Ellington

[Introduced January 15, 2026; referred to the  
Committee on Education then the Judiciary]

1 A BILL to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating  
2 to possessing deadly weapons on premises of educational facilities; authorizing teachers,  
3 administrators, or support personnel in elementary or secondary schools to carry  
4 concealed firearms and be designated as a school protection officer ("SPO"); providing for  
5 approval of a prospective SPO by the county superintendent; requiring the SPO to provide  
6 certain information and meet certain qualifications to become a SPO; providing for the  
7 Justice and Community Services section within the West Virginia Department of Homeland  
8 Security to develop curriculum and coordinate with local county law enforcement to  
9 provide instruction and training, including firearms training, that prospective SPO's must  
10 complete in order to be certified as a SPO; setting forth curriculum of the initial and  
11 requalification instruction and training for an SPO; and providing for funding.

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

**ARTICLE 7. DANGEROUS WEAPONS.**

**§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; teachers, administrators, support personnel in elementary or secondary schools may carry concealed firearms; designation as school protection officer; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.**

(a) The Legislature finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending and persons employed by schools in this state and for persons employed by the judicial department of this state. It is for the purpose of providing assurances of safety that §61-7-11a(b), §61-7-11a(g), and §61-7-11a(h), of this code and §61-7-11a(b)(2)(l) of this code, are enacted as a reasonable regulation of the manner in which citizens may exercise the rights accorded to them pursuant to section 22, article III of the 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~~ is not unlawful to possess a firearm or other deadly weapon in or on  
12 the grounds of any private primary or secondary school, if such that institution has adopted a  
13 written policy allowing for possession of firearms or other deadly weapons in the facility or on the  
14 grounds of the 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) Any person currently employed as a law-enforcement officer, chief executive, or pre-  
21 certified law-enforcement officer as those terms are defined in §30-29-1 of this code, whether on  
22 or off duty;

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

26 (C) Any home confinement supervisor employed by a county commission pursuant to §61-  
27 11B-7a of this code in the performance of his or her duties;

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

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

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

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

(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;

(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; or

(M) A school safety officer as defined in §15-2D-3 authorized to carry a firearm and who meets the requirements set forth in §15-2D-3 and §18-5-52.

(N) Teachers, Administrators, Support Personnel designated as School Protection Officers (SPO).

(i) Any school district within the state shall designate one or more elementary or secondary

school teachers, administrators, or support personnel as a SPO if they have applied, met all of the requirements and are otherwise eligible, subject to subsection (iii) of this section. The responsibilities and duties of a SPO officer are voluntary and shall be in addition to the normal responsibilities and duties of the teacher, administrator or support personnel.

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

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

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

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

West Virginia Department of Homeland Security.

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

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

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

(II) The name of the school district, and

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

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

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

(viii) The director of the West Virginia Justice and Community Services section within the West Virginia Department of Homeland Security shall maintain a listing of all persons designated by school districts as SPO's and shall make this list available to all law-enforcement agencies. The

list of individuals designated as an SPO shall not be subject to a FOIA request.

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

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

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

(i) Initial instruction and training, which may not exceed 24 hours;

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

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

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

(i) Mitigation techniques.

(ii) Communications capabilities and coordination and collaboration techniques.

(iii) Neutralization of potential threats and active shooters.

(iv) Accountability.

(v) Reunification.

(vi) Psychology of critical incidents.

(vii) De-escalation techniques.

(viii) Crisis intervention.

(ix) Trauma and first aid care.

(x) The history and pattern of school shootings.

(xi) Tactics of responding to critical incidents in schools.

(xii) At least four hours of the training will consist of scenario-based or simulated training exercises.

(xiii) Completion of tactical live firearms training.

(xiv) Realistic urban training.

(4) Behavioral health assessment. Regional Comprehensive Behavioral Health Centers will conduct a behavioral assessment screening yearly on all SPO's.

(5) Program Funding:

(A) There shall be Legislature appropriated funding of \$5,000 per county school district opting into the SPO program to be used to conduct yearly training course, whether the training is a full training or refresher training. If a district does not conduct a course of training, the amount of funding shall be returned. The total cost if all counties (55) participate shall be in the amount of \$275,000.

(B) The SPO volunteer applicant shall fund both the initial and annual weapons qualification costs, not to exceed the amount of \$50, for the course of fire, and supply his or her own ammunition.

(6) An SPO or off-duty law enforcement officer may carry a concealed firearm 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 Activities Commission, a county school board, or local public school for the actual period of time the function is occurring.

(7) An SPO shall be a permanent employee of the school where he or she is working.

(3) (8) 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

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

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

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

(2) The clerk of the court in which the person is convicted as described in §61-7-11a(e)(1)

191 of this code shall forward to the commissioner a transcript of the judgment of conviction. If the  
192 conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the  
193 transcript when the person convicted has not requested an appeal within 20 days of the  
194 sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk  
195 shall forward a transcript of the judgment of conviction when the person convicted has not filed a  
196 notice of intent to file a petition for appeal or writ of error within 30 days after the judgment was  
197 entered.

198 (3) If, upon examination of the transcript of the judgment of conviction, the commissioner  
199 determines that the person was convicted as described in §61-7-11a(e)(1) of this code, the  
200 commissioner shall make and enter an order revoking the person's license or privilege to operate  
201 a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled  
202 in a secondary school, for a period of one year or until the person's 20th birthday, whichever is the  
203 greater period. The order shall contain the reasons for the revocation and the revocation period.  
204 The order of suspension shall advise the person that because of the receipt of the court's  
205 transcript, a presumption exists that the person named in the order of suspension is the same  
206 person named in the transcript. The commissioner may grant an administrative hearing which  
207 substantially complies with the requirements of the provisions of §17C-5A-2 of this code upon a  
208 preliminary showing that a possibility exists that the person named in the notice of conviction is not  
209 the same person whose license is being suspended. The request for hearing shall be made within  
210 10 days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for  
211 the person requesting the hearing to present evidence that he or she is not the person named in  
212 the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the  
213 license suspension pending the commissioner's order resulting from the hearing.

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

216 (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.

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

(2) This subsection does not apply to:

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

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

(3) 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.

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

(2) 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.

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