

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.**

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

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

(A) On a school bus as defined in §17A-1-1 of this code;

(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*

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

(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:

(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;

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

35 authorized by the board of education of the county or principal of the school where the property is
36 located to conduct programs with valid educational purposes;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

87 West Virginia Department of Homeland Security.

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

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

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

97 (II) The name of the school district, and

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

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

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

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

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

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

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

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

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

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

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

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

132 (i) Mitigation techniques.

133 (ii) Communications capabilities and coordination and collaboration techniques.

134 (iii) Neutralization of potential threats and active shooters.

135 (iv) Accountability.

136 (v) Reunification.

137 (vi) Psychology of critical incidents.

138 (vii) De-escalation techniques.

139 (viii) Crisis intervention.

140 (ix) Trauma and first aid care.

141 (x) The history and pattern of school shootings.

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

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

144 exercises.

145 (xiii) Completion of tactical live firearms training.

146 (xiv) Realistic urban training.

147 (4) Behavioral health assessment. Regional Comprehensive Behavioral Health Centers

148 will conduct a behavioral assessment screening yearly on all SPO's.

149 (5) Program Funding:

150 (A) There shall be Legislature appropriated funding of \$5,000 per county school district

151 opting into the SPO program to be used to conduct yearly training course, whether the training is a

152 full training or refresher training. If a district does not conduct a course of training, the amount of

153 funding shall be returned. The total cost if all counties (55) participate shall be in the amount of

154 \$275,000.

155 (B) The SPO volunteer applicant shall fund both the initial and annual weapons

156 qualification costs, not to exceed the amount of \$50, for the course of fire, and supply his or her

157 own ammunition.

158 (6) An SPO or off-duty law enforcement officer may carry a concealed firearm at a school-

159 sponsored function that is taking place in a specific area that is owned, rented, or leased by the

160 West Virginia Department of Education, the West Virginia Secondary Schools Activities

161 Commission, a county school board, or local public school for the actual period of time the function

162 is occurring.

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

164 (3) (8) A person violating this subsection is guilty of a felony and, upon conviction thereof,

165 shall be imprisoned in a state correctional facility for a definite term of years of not less than two
166 years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

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

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

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

174 (d) In addition to the methods of disposition provided by §49-5-1 *et seq.* of this code, a
175 court which adjudicates a person who is 14 years of age or older as delinquent for a violation of
176 §61-7-11a(b) of this code, may order the Division of Motor Vehicles to suspend a driver's license or
177 instruction permit issued to the person for a period of time as the court considers appropriate, not
178 to extend beyond the person's 19th birthday. If the person has not been issued a driver's license or
179 instruction permit by this state, a court may order the Division of Motor Vehicles to deny the
180 person's application for a license or permit for a period of time as the court considers appropriate,
181 not to extend beyond the person's 19th birthday. A suspension ordered by the court pursuant to
182 this subsection is effective upon the date of entry of the order. Where the court orders the
183 suspension of a driver's license or instruction permit pursuant to this subsection, the court shall
184 confiscate any driver's license or instruction permit in the adjudicated person's possession and
185 forward it to the Division of Motor Vehicles.

186 (e)(1) If a person 18 years of age or older is convicted of violating §61-7-11a(b) of this code,
187 and if the person does not act to appeal the conviction within the time periods described in §61-7-
188 11a(e)(2) of this code, the person's license or privilege to operate a motor vehicle in this state shall
189 be revoked in accordance with the provisions of this section.

190 (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

217 who knows that the person is in violation of §61-7-11a(b) of this code or has reasonable cause to
218 believe that the person's violation of §61-7-11a(b) of this code is imminent to fail to immediately
219 report his or her knowledge or belief to the appropriate school or law-enforcement officials.

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

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

225 (2) This subsection does not apply to:

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

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

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

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

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

237 (i) Nothing in this section may be construed to be in conflict with the provisions of federal
238 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.