

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5170

By Delegates Anders and Kump

[Introduced February 04, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to
2 allowing the constitutional right to open carry firearms on and in Capitol grounds.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-19. Willful disruption of governmental processes; offenses occurring at State Capitol

Complex;

penalties.

1 (a) If any person willfully interrupts or molests the orderly and peaceful process of any
2 department, division, agency, or branch of state government or of its political subdivisions, he or
3 she is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100, or
4 confined in jail not more than six months, or both fined and confined: *Provided*, That any assembly
5 in a peaceable, lawful, and orderly manner for a redress of grievances is not a violation of this
6 section.

7 (b) Open carry of deadly weapons, nonlethal agent, disruption:

8 (1) It is unlawful for any person to bring upon the State Capitol Complex any deadly
9 weapon as defined in §61-7-2 of this code: *Provided*, That a person who may lawfully possess a
10 firearm may keep a firearm in his or her motor vehicle upon the State Capitol Complex if the
11 vehicle is locked and the weapon is out of normal view: *Provided, however*, That a person may not
12 carry upon the State Capitol Complex, a cannister of pepper spray, as defined in §61-7-2 of this
13 code, that exceeds one ounce: *Provided, further*, That a person may lawfully carry a firearm in an
14 open carry status.

15 (2) (A) A person is permitted to exercise his or her right to constitutional carry, and may
16 open carry a firearm on the grounds of the Capitol, and in the Capitol building;

17 (B) Open carry of a handgun is not permitted in:

18 (1) The Governor's office; and

19 (2) The chambers of the Supreme Court, including the entirety of the third and fourth floor
20 of the East wing.

21 (C) The State Senate and House of Delegates may develop firearms rules for the gallery
22 and floor of their respective chambers.

23 (3) It is unlawful for any person to willfully deface any trees, wall, floor, stairs, ceiling,
24 column, statue, monument, structure, surface, artwork, or adornment in the State Capitol
25 Complex. It is unlawful for any person or persons to willfully block or otherwise willfully obstruct
26 any public access, stair, or elevator in the State Capitol Complex after being asked by a law-
27 enforcement officer acting in his or her official capacity to desist: *Provided further*, That in order to
28 preserve the constitutional right of the people to assemble, it is not willful blocking or willful
29 obstruction for persons gathered in a group or crowd if the persons move to the side or part to
30 allow other persons to pass by the group or crowd to gain ingress or egress: *And Provided, further*
31 *however*, That this subsection does not apply to a law-enforcement officer acting in his or her
32 official capacity.

33 (2) (4) Any person who violates this subsection is guilty of a misdemeanor and, upon
34 conviction thereof, shall be fined not less than \$100, or confined in jail not more than six months, or
35 both fined and confined.

NOTE: The purpose of this bill is to change the West Virginia Code to allow the constitutional right of open carry on and in Capitol grounds.

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