

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 30

BY SENATORS ROSE, PHILLIPS, THORNE, HART, WILLIS,

RUCKER, DEEDS, AZINGER, AND TAYLOR

[Reported February 5, 2026, from the Committee on

the Judiciary]

1 A BILL 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 certain persons under 21 years
5 of age; repealing the exceptions to prohibitions for persons 18 to 20 years old carrying
6 concealed handguns; clarifying that certain persons 18 years of age or older have the right
7 to carry concealed deadly weapons without first obtaining a license; clarifying that certain
8 minors may lawfully possess or carry openly or concealed a firearm under certain
9 circumstances; and providing for misdemeanor and criminal penalties applicable to a
10 minor for conviction of unlawfully possessing or carrying openly or concealed a deadly
11 weapon.

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1 [Repealed.]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. Exceptions as to prohibitions against carrying concealed handguns for persons
at least eighteen years of age and fewer than twenty-one years of age; exemptions
Exemptions from licensing fees.**

1 (a) ~~The provisions in section three of this article do not apply to any person at least~~
2 ~~eighteen years of age and fewer than twenty one years of age who is:~~
3 (1) ~~Carrying a deadly weapon upon his or her own premises;~~
4 (2) ~~Carrying a firearm, unloaded, from the place of purchase to his or her home, residence~~
5 ~~or place of business or to a place of repair and back to his or her home, residence or place of~~
6 ~~business; or~~

7 (3) ~~Possessing a firearm while hunting in a lawful manner or while traveling from his or her~~
8 ~~home, residence or place of business to a hunting site and returning to his or her home, residence~~
9 ~~or place of business;~~

10 (4) ~~A member of a properly organized target shooting club authorized by law to obtain~~
11 ~~firearms by purchase or requisition from this state or from the United States for the purpose of~~
12 ~~target practice from carrying any pistol, as defined in this article, unloaded, from his or her home,~~
13 ~~residence or place of business to a place of target practice and from any place of target practice~~
14 ~~back to his or her home, residence or place of business, for using any such weapon at a place of~~
15 ~~target practice in training and improving his or her skill in the use of the weapons;~~

16 (5) ~~A law enforcement officer or law enforcement official or chief executive as defined in~~
17 ~~section one, article twenty-nine, chapter thirty of this code;~~

18 (6) ~~An employee of the West Virginia Division of Corrections duly appointed pursuant to~~
19 ~~section eleven c, article one, chapter twenty-five of this code while the employee is on duty;~~

20 (7) ~~A member of the United States armed forces, reserve or National Guard;~~

21 (8) ~~A resident of another state who holds a valid permit or license to possess or carry a~~
22 ~~handgun issued by a state or a political subdivision subject to the provisions and limitations set~~
23 ~~forth in section six a of this article;~~

24 (9) ~~A federal law enforcement officer or federal police officer authorized to carry a weapon~~
25 ~~in the performance of the officer's duty; and~~

26 (10) ~~A parole officer appointed pursuant to section fourteen, article twelve, chapter sixty-~~
27 ~~two of this code in the performance of his or her duties.~~

28 (b) The following judicial officers and prosecutors and staff are exempt from paying any
29 application fees or licensure fees required under this article. However, they shall make application
30 and satisfy all licensure and handgun safety and training requirements to obtain a license as set
31 forth in section §61-7-4 of this article:

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

- 33 (2) Any circuit judge;
- 34 (3) Any retired justice or retired circuit judge designated senior status by the Supreme
- 35 Court of Appeals of West Virginia;
- 36 (4) Any family court judge;
- 37 (5) Any magistrate;
- 38 (6) Any prosecuting attorney;
- 39 (7) Any assistant prosecuting attorney; or
- 40 (8) Any duly appointed investigator employed by a prosecuting attorney.

§61-7-7. Persons prohibited from possessing firearms; classifications; right of nonprohibited persons over twenty-one 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~~ a person shall not 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;

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

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

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

(A) Was issued after a hearing of which such person received actual notice and at which

such person had an opportunity to participate;

(B) Restraints such person from harassing, stalking, or threatening an intimate partner of

such person or child of such intimate partner or person, or engaging in other conduct that would

place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(i) Includes a finding that such person represents a credible threat to the physical safety

of such intimate partner or child; or

(ii) By its terms explicitly prohibits the use, attempted use, or threatened use of physical

force against such intimate partner or child that would reasonably be expected to cause bodily

injury; or

(8) Has been convicted of a misdemeanor offense of assault or battery either under the

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

federal or state statute with the same essential elements in which the victim was a current or

former spouse, current or former sexual or intimate partner, person with whom the defendant has

a child in common, person with whom the defendant cohabits or has cohabited, a parent or

guardian, the defendant's child or ward or a member of the defendant's household at the time of

the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor

crime of domestic violence.

Any person who violates the provisions of this subsection shall be is 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 jail for not less than 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

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-2-205~~, and
45 §60A-2-206, and §60A-2-208 of this code and who possesses a firearm as such is defined in §61-
46 7-2 of this code ~~shall be~~ is guilty of a felony and, upon conviction thereof, shall be confined in a
47 state correctional facility for not more than five years or fined not more than \$5,000, or both fined
48 and confined. The provisions of subsection (f) of this section ~~shall~~ do not apply to persons
49 convicted of offenses referred to in this subsection or to persons convicted of a violation of this
50 subsection.

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

52 (1) At least twenty-one 18 years of age;

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

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

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

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

63 (e) As a separate and additional offense to the offense described in subsection (b) of this
64 section, and in addition to any other offenses outlined in this code, any person prohibited by
65 subsection (b) of this section from possessing a firearm who carries a concealed firearm is guilty

66 of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not
67 more than 10 years or fined not more than \$10,000, or both fined and confined.

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

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

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

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

11 (b) A person under the age of 18 years may possess or carry concealed or openly a firearm
12 if that person is:

13 (1) Married or otherwise emancipated;
14 (2) On premises owned by the minor or by a member of his or her family;
15 (3) On the premises of another person, if the minor has the permission of both the owner
16 or lessee of the premises and his or her parent or guardian to possess or carry openly or
17 concealed a firearm on the premises;

18 (4) Hunting in a lawful manner;
19 (5) Participating in a target shooting activity as a member of a properly organized target
20 shooting club that is authorized by law to obtain firearms by purchase or requisition from this state
21 or from the United States for the purposes of target practice or competition;

22 (6) A member of the United States armed forces, reserve, or National Guard; or
23 (7) Traveling from a place where he or she may lawfully possess a firearm and returning
24 to a place where he or she may lawfully possess the firearm.

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

29 (1) A person convicted of a violation of this section is guilty of a misdemeanor and shall
30 be fined not less than \$100 nor more than \$1,000, and may be imprisoned in a juvenile detention
31 center for not more than 12 months for the first offense. Upon conviction of a second or
32 subsequent offense, the person is guilty of a felony and shall be imprisoned in a juvenile detention
33 center not less than one nor more than five years and fined not less than \$1,000 nor more than
34 \$5,000.

35 (2) The prosecuting attorney in all cases shall ascertain whether or not the charge made
36 by the grand jury is a first offense or is a second or subsequent offense and, if it is a second or

37 subsequent offense, it shall be stated in the returned indictment. The prosecuting attorney shall
38 introduce evidence of a second or subsequent offense into the record before the trial court and
39 may not use discretion in introducing evidence to prove the same at trial.