

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 478**

By Senators Rose, Helton, M. Maynard, and Rucker

[Introduced January 19, 2026; referred

to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §2-1A-1, §2-1A-2, §2-1A-3, §2-1A-4, §2-1A-5, §2-1A-6, §2-1A-7, §2-1A-8, and  
3 §2-1A-9, relating to establishing the Second Amendment Reaffirmation and Protection Act  
4 to protect the right to bear arms in the event that the National Firearms Act, the Gun  
5 Control Act, or the Firearm Owner's Protection Act are repealed or nullified; creating a  
6 triggering clause; listing a preemption clause; prohibiting state agencies from replacing, re-  
7 enacting, or simulating any unconstitutional federal firearm restriction; protecting  
8 individuals and businesses; creating a private right of action; and establishing enforcement  
9 restrictions and penalties for state law-enforcement agencies that violate this act.

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

**ARTICLE 1A. SECOND AMENDMENT REAFFIRMATION AND PROTECTION ACT.**

**§2-1A-1. Second Amendment Reaffirmation and Protection Act; Purpose.**

1 (a) This Act shall be known as the "Second Amendment Reaffirmation and Protection Act."  
2 (b) The purpose of this Act is to ensure that when federal restrictions on firearms (under the  
3 NFA or related acts) are repealed, or nullified, West Virginia law automatically restores full Second  
4 Amendment rights without new state restrictions and to prohibit the any state agencies or political  
5 subdivisions from enacting, enforcing, or funding any regulation that mirrors, replaces, or re-  
6 imposes the repealed federal firearm laws.

**§2-1A-2. Triggering clause.**

1 Upon the repeal or judicial nullification of any portion of the National Firearms Act (1934),  
2 Gun Control Act (1968), or Firearm Owners Protection Act (1986), those provisions shall have no  
3 force or effect in the State of West Virginia.

4 All state agencies and political subdivisions are barred from enacting or enforcing any law,  
5 rule, or regulation that imposes similar restrictions.

**§2-1A-3. Preemption clause.**

1 (a) State preemption of all local firearm regulations is reaffirmed and extended to include

2 post-federal repeal scenarios.

3       (b) Counties, municipalities, and political subdivisions may not enact or enforce firearm  
4 restrictions inconsistent with this Act.

**§2-1A-4. Prohibition on replacement legislation.**

1       No law or rule shall be adopted by any state agency to replace, re-enact, or simulate any  
2 federal firearm restriction repealed or overturned.

**§2-1A-5. Protection of individuals and businesses.**

1       (a) West Virginians shall not be prosecuted, fined, or otherwise penalized for exercising  
2 rights restored under the repeal or overturning of federal firearm laws.

3       (b) Individuals and businesses with Federal Firearms Licenses and manufacturers shall  
4 retain their full right to produce, sell, or possess firearms or accessories no longer restricted under  
5 federal law.

**§2-1A-6. Enforcement restrictions.**

1       State and local law enforcement are prohibited from assisting federal agencies in enforcing  
2 any repealed or unconstitutional firearm restriction. Violation of this prohibition may result in  
3 administrative discipline, fines and loss of state funding for the agency involved.

**§2-1A-7. Private right of action.**

1       (a) Any citizen aggrieved by enforcement of an illegal firearm restriction may bring civil suit  
2 against the responsible official or agency.

3       (b) A citizen who brings a successful civil action under this Act shall be entitled to all  
4 damages and reasonable attorney fees.

**§2-1A-8. Legislative declaration.**

1       The Legislature reaffirms that the right to keep and bear arms is a natural, God-given right  
2 recognized — not granted — by the Constitution.

3       The State of West Virginia stands as a bulwark against any future federal or state  
4 infringement.

**§2-1A-9. Effective date.**

1        The Act shall take effect immediately upon certification of repeal or judicial nullification of  
2        any NFA-related provision by Congress, the U.S. Supreme Court, or a federal court of final  
3        jurisdiction.

NOTE: The purpose of this bill is to establish the "Second Amendment Reaffirmation and Protection Act."

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