

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]

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bear arms in the event that the National Firearms Act, the Gun Control Act, or the Firearm Owner's Protection Act are repealed or nullified; creating a triggering clause; listing a preemption clause; prohibiting state agencies from replacing, re-enacting, or simulating any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

(a) This Act shall be known as the "Second Amendment Reaffirmation and Protection Act."

(b) The purpose of this Act is to ensure that when federal restrictions on firearms (under the NFA or related acts) are repealed, or nullified, West Virginia law automatically restores full Second Amendment rights without new state restrictions and to prohibit the any state agencies or political subdivisions from enacting, enforcing, or funding any regulation that mirrors, replaces, or re-imposes the repealed federal firearm laws.

§2-1A-2. Triggering clause.

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

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

§2-1A-3. Preemption clause.

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

post-federal repeal scenarios.

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

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

No law or rule shall be adopted by any state agency to replace, re-enact, or simulate any federal firearm restriction repealed or overturned.

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

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

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

§2-1A-6. Enforcement restrictions.

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

§2-1A-7. Private right of action.

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

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

§2-1A-8. Legislative declaration.

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

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