

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Engrossed**

**Committee Substitute**

**for**

**Senate Bill 478**

BY SENATORS ROSE, HELTON, M. MAYNARD, RUCKER,

THORNE, WILLIS, TAYLOR, AND HART

[Reported February 5, 2026, from the Committee on  
the Judiciary]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
2 designated §61-7-13, relating to establishing the Second Amendment Reaffirmation and  
3 Protection Act; specifying legislative purpose; limiting the incorporation of invalid or  
4 repealed federal law; creating a trigger clause; prohibiting state and local officers from  
5 enforcing invalidated or repealed federal firearm restrictions; prohibiting state entities from  
6 limiting the right of a person to carry a concealed firearm; providing for redressability  
7 through writs of prohibition and mandamus; and providing for rules of statutory  
8 construction.

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

**ARTICLE 7. DANGEROUS WEAPONS.**

**§61-7-13. Second Amendment Reaffirmation and Protection Act.**

1 (a) Short title. — This act shall be known as the Second Amendment Reaffirmation and  
2 Protection Act.

3 (b) Purpose. — The purpose of this act is to protect against the state enforcement of  
4 repealed, unconstitutional, or invalid federal restrictions on firearms.

5 (c) Dynamic incorporation of federal firearms law. — Any provision of this code that  
6 incorporates or relies upon a federal firearms restriction, regulation, or classification shall be  
7 construed to incorporate the federal law only while the federal law remains enforceable.

8 (d) Automatic effect of repeal or invalidation. — Upon the repeal by Congress, permanent  
9 injunction by a court of competent jurisdiction, or final judicial determination from a court of  
10 competent jurisdiction of invalidity of any federal firearms restriction, regulation, or classification,  
11 any provision of this code, state regulation, or municipal or county ordinance that relies solely  
12 upon the federal law shall not be enforceable to the extent of that reliance, unless and until the  
13 Legislature enacts an independent state law adopting substantially similar restrictions.

14 (e) Limitation on state and local enforcement. — An officer, agency, or political subdivision,  
15 including counties and municipalities, of this state shall not knowingly enforce, attempt to enforce,

16 or expend state resources to enforce any firearms restriction, prohibition, registration requirement,  
17 classification, or licensing scheme that exists solely by reference to federal law after the officer,  
18 agency, or political subdivision has knowledge the federal law has been repealed, declared  
19 unconstitutional, or permanently enjoined.

20 (f) A state entity, agent of the state, agency of the state, municipality, county, or any other  
21 political subdivision of state government shall not limit the right of any person to lawfully carry a  
22 concealed firearm by means of ammunition capacity, caliber, firearm modification, accessory,  
23 decibel, location of carry, or method of concealed carry: *Provided*, That the provisions of this  
24 subsection do not apply to firearm restrictions in a correctional facility building, primary, or  
25 secondary school building, or areas under the jurisdiction of the Supreme Court of Appeals of  
26 West Virginia.

27 (g)(1) Redress for an alleged violation of this section may be sought through the provisions  
28 of §53-1-1 et seq. of this code, which may include the awarding of reasonable attorney's fees and  
29 costs, if the petitioner prevails.

30 (2) Every right derived from the Second and Fourteenth Amendments of the Constitution  
31 of the United States will be restored and reaffirmed upon repeal by Congress or judicial  
32 nullification by the U.S. Supreme Court or a federal court of final jurisdiction of any federal  
33 firearms restriction, regulation, or classification.

34 (h) Construction. — This section shall be construed using the following rules:

35 (1) Nothing in this provision shall be construed to:

36 (A) Abrogate or alter §8-12-5a of this code;

37 (B) Affect the enforcement of any provision of this code that independently establishes a  
38 firearms-related offense, restriction, or regulation under state law; or

39 (C) Apply to military facilities, bases, armories, or military encampments that are subject  
40 to the jurisdiction and oversight of the Governor or the Adjutant General.

- 41           (2) If any provision or any part or clause of any provision of this section, or its application,  
42 is held unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or  
43 invalidity shall not affect other provisions of this section.
- 44           (3) The provisions of this section shall take effect immediately.