

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**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4 repealed federal law; creating a trigger clause; prohibiting state and local officers from  
5 enforcing invalidated or repealed federal firearm restrictions; creating a cause of action;  
6 and providing for rules of statutory 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4 repealed, unconstitutional, or invalid federal restrictions on firearms.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) Cause of action. — If an individual is aggrieved by the enforcement of a repealed,  
21 unconstitutional, or invalidated federal firearm restriction, the individual may bring a civil suit  
22 against the responsible official, agency, or political subdivision for damages and reasonable  
23 attorney fees.

24 (g) Construction. — Nothing in this section shall be construed to:

25 (1) Limit the authority of the Legislature to enact firearms regulations independent of  
26 federal law;

27 (2) Prohibit cooperation with federal authorities in enforcing valid federal law while the law  
28 remains in force; or

29 (3) Affect the enforcement of any provision of this code that independently establishes a  
30 firearms-related offense, restriction, or regulation under state law.