

# **WEST VIRGINIA LEGISLATURE**

**2026 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 963**

BY SENATORS WILLIS AND THORNE

[Reported March 2, 2026, from the Committee on the  
Judiciary]



1 A BILL to amend and reenact §48-27-502 of the Code of West Virginia, 1931, as amended,  
2 relating to surrender of firearms and ammunition in protective order proceedings; requiring  
3 proper service of respondent; permitting protective order to direct surrender of firearms in  
4 certain circumstances; requiring certain court findings; and providing for appeal.

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

**ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.**

**§48-27-502. Mandatory provisions in protective order.**

1 (a) A protective order must order the respondent to refrain from abusing, harassing,  
2 stalking, threatening or otherwise intimidating the petitioner or the minor children, or engaging in  
3 other conduct that would place the petitioner or the minor children in reasonable fear of bodily  
4 injury.

5 (b) The protective order must prohibit the respondent from possessing any firearm or  
6 ammunition, subject to the provisions of subsection (f) of this section.

7 (c) The protective order must inform the respondent that he or she is prohibited from  
8 possessing any firearm or ammunition and that possession of a firearm or ammunition while  
9 subject to the court's protective order is a criminal offense under state and federal law,  
10 notwithstanding the fact that the respondent might otherwise have a right to possess a firearm.

11 (d) The protective order must inform the respondent that the order is in full force in every  
12 county of this state.

13 (e) The protective order must contain on its face the following statement, printed in bold-  
14 faced type or in capital letters:

15 "VIOLATION OF THIS ORDER MAY BE PUNISHED BY CONFINEMENT IN A  
16 REGIONAL JAIL FOR AS LONG AS ONE YEAR AND BY A FINE OF AS MUCH AS \$2,000".

17 (f) Notwithstanding any provision of this code to the contrary, a protective order issued  
18 under this chapter or chapter 53 of this code may not prohibit a respondent from possessing any

19 firearm or ammunition or confiscate any firearm or ammunition owned by the respondent unless  
20 respondent is properly served with notice of a hearing in accordance with West Virginia law and:

21 (1) Respondent fails to appear for the scheduled hearing;

22 (2) Respondent consents to the surrender of his or her firearms and ammunition; or

23 (3) After a full adversarial hearing, where respondent may elect to have legal counsel  
24 present, and the court finds, by a preponderance of the evidence, that:

25 (A) Domestic violence has occurred;

26 (B) Any of the circumstances specified in §53-8-7(a)(2) of this code are present; or

27 (C) Respondent has committed acts of abuse, threats, harassment, or engaged in other  
28 conduct that places petitioner, or the minor children of petitioner, in reasonable fear of bodily  
29 injury.

30 (4) Any finding pursuant to subdivision (3) of this subsection that results in a prohibition  
31 on respondent's possession of a firearm or ammunition shall be supported by:

32 (A) Substantial evidence of record including, but not limited to, witness testimony, police  
33 reports, documented threats or admissions, medical records, or other relevant documentation;  
34 and

35 (B) A finding that the petitioner is requesting the surrender of the firearms and ammunition  
36 of the respondent in good faith and not for a retaliatory or otherwise malicious purpose.

37 (g) If a protective order is granted containing the mandatory language of this section, the  
38 respondent may file a petition for appeal with the circuit court as provided in §48-27-510(b) and  
39 §53-8-9(a) of this code.