

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4931**

By Delegates Anders, Dillon, White, Foggin, Kimble,

T. Howell, Mazzocchi, Kump, and Coop-Gonzalez

[Introduced January 29, 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 §61-17-1, §61-17-2, §61-17-3, §61-17-4, §61-17-5, and §61-17-6, relating to  
3 the creation of the Protection of Firearm Owner Privacy and Prohibition of Registries Act;  
4 providing for legislative findings; prohibiting firearm registries within West Virginia; creating  
5 civil penalties; providing for enforcement; creating severability; and providing for an  
6 effective date.

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

**ARTICLE 17. PROTECTION OF FIREARM OWNER PRIVACY AND PROHIBITION OF  
REGISTRIES ACT.**

**§61-17-1. Legislative findings.**

1 (a) The Legislature finds that:  
2 (1) The Second Amendment to the United States Constitution guarantees that "the right of  
3 the people to keep and bear Arms, shall not be infringed."  
4 (2) The Firearm Owners' Protection Act of 1986 prohibits the creation of a centralized,  
5 computerized federal registry of firearms, firearm owners, or firearm transactions.  
6 (3) The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) operates the National  
7 Tracing Center in Martinsburg, West Virginia, which houses hundreds of millions of firearm  
8 transaction records, many digitized and searchable.  
9 (4) The maintenance of such records in a manner that allows for the compilation of a list of  
10 firearm owners is contrary to the intent of Congress and the liberties guaranteed under the  
11 Constitution.  
12 (5) The Tenth Amendment reserves to the states and the people all powers not delegated  
13 to the federal government, and West Virginia will not participate in unconstitutional federal acts.

**§61-17-2. Prohibition on firearm registries within West Virginia.**

1 (a) No person, agency, department, political subdivision, or employee of the State of West

2 Virginia shall create, operate, maintain, or assist in the creation, operation, or maintenance of any  
3 database, list, or registry of firearms or firearm owners within the boundaries of West Virginia.

4 (b) No person, entity, federal employee, or federal contractor operating within the State of  
5 West Virginia shall create, operate, maintain, or assist in the creation, operation, or maintenance  
6 of any such database, list, or registry.

7 (c) This prohibition applies to both physical and electronic records and includes, but is not  
8 limited to, firearm transaction forms, dealer records, and any digitized or scanned copies thereof.

**§61-17-3. Civil penalties.**

1 (a) Any individual, corporation, government entity, federal employee, or federal contractor  
2 that knowingly violates §61-17-2 shall be liable for a civil penalty of not less than \$10,000 and not  
3 more than \$100,000 per occurrence.

4 (b) Each record created, transferred, or maintained in violation of this section constitutes a  
5 separate offense.

6 (c) Civil penalties collected under this section shall be deposited into the West Virginia  
7 Second Amendment Defense Fund, to be used exclusively for legal actions to defend West  
8 Virginians' constitutional rights.

**§61-17-4. Enforcement.**

1 (a) The Attorney General of West Virginia is authorized to investigate alleged violations of  
2 this article and to bring civil actions to enforce compliance.

3 (b) Any citizen of West Virginia whose rights are violated under this article shall have  
4 standing to bring a civil action for damages and injunctive relief in any court of competent  
5 jurisdiction.

6 (c) Civil penalties under this article may be enforced against any violator, regardless of  
7 whether they are a state, federal, or private actor, if the violation occurs within the boundaries of  
8 the State of West Virginia.

**§61-17-5. Severability.**

1        If any provision of this article or its application to any person or circumstance is held invalid,  
2        the invalidity does not affect other provisions or applications which can be given effect without the  
3        invalid provision or application.

**§61-17-6.** **Effective** **date.**

1 This article shall take effect immediately upon passage.

NOTE: The purpose of this bill is to create the Protection of Firearm Owner Privacy and Prohibition of Registries 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.