

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4106**

By Delegates Horst, Brooks, Dean, Holstein, Kimble,

Mallow, Martin, Masters, Phillips, Ridenour, and B.

Ward

[Introduced January 14, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §61-7-6, §61-7-7, and §61-7-8 of the Code of West Virginia, 1931, as  
2 amended; and to repeal §61-7-3, relating to recognizing the right of persons 18 to 20 years  
3 old to carry a concealed deadly weapon without first obtaining a license; repealing the  
4 crime of carrying a deadly weapon without a license for person under 21 years of age;  
5 repealing the exceptions to prohibitions for persons 18 to 20 years old carrying concealed  
6 handguns; clarifying that certain persons 18 years of age or older have the right to carry  
7 concealed deadly weapons without first obtaining a license; clarifying that a minor  
8 unlawfully carrying a deadly weapon may be adjudicated delinquent as if he or she  
9 committed a violation of §61-7-7(a); clarifying and creating certain acts of delinquency; and  
10 making technical corrections.

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

**ARTICLE 7. DANGEROUS WEAPONS.**

**§61-7-3. Carrying a deadly weapon without provisional license or other authorization by persons under twenty-one years of age; penalties.**

1 [Repealed.]

**§61-7-6. Exceptions as to prohibitions against carrying concealed handguns for persons at least eighteen years of age and fewer than twenty-one years of age; exemptions**

**Exemptions from licensing fees.**

1 (a) The provisions in section three of this article do not apply to any person at least  
2 eighteen years of age and fewer than twenty-one years of age who is:

3 (1) Carrying a deadly weapon upon his or her own premises;

4 (2) Carrying a firearm, unloaded, from the place of purchase to his or her home, residence  
5 or place of business or to a place of repair and back to his or her home, residence or place of  
6 business; or

7 (3) Possessing a firearm while hunting in a lawful manner or while traveling from his or her  
8 home, residence or place of business to a hunting site and returning to his or her home, residence

9     or place of business;

10        (4) A member of a properly organized target shooting club authorized by law to obtain  
11     firearms by purchase or requisition from this state or from the United States for the purpose of  
12     target practice from carrying any pistol, as defined in this article, unloaded, from his or her home,  
13     residence or place of business to a place of target practice and from any place of target practice  
14     back to his or her home, residence or place of business, for using any such weapon at a place of  
15     target practice in training and improving his or her skill in the use of the weapons;

16        (5) A law enforcement officer or law enforcement official or chief executive as defined in  
17     section one, article twenty-nine, chapter thirty of this code;

18        (6) An employee of the West Virginia Division of Corrections duly appointed pursuant to  
19     section eleven-c, article one, chapter twenty-five of this code while the employee is on duty;

20        (7) A member of the United States armed forces, reserve or National Guard;

21        (8) A resident of another state who holds a valid permit or license to possess or carry a  
22     handgun issued by a state or a political subdivision subject to the provisions and limitations set  
23     forth in section six-a of this article;

24        (9) A federal law enforcement officer or federal police officer authorized to carry a weapon  
25     in the performance of the officer's duty; and

26        (10) A parole officer appointed pursuant to section fourteen, article twelve, chapter sixty-  
27     two of this code in the performance of his or her duties

28        (b) The following judicial officers and prosecutors and staff are exempt from paying any  
29     application fees or licensure fees required under this article. However, they shall make application  
30     and satisfy all licensure and handgun safety and training requirements to obtain a license as set  
31     forth in section four of this article §61-7-4 of this code:

32        (1) Any justice of the Supreme Court of Appeals of West Virginia;

33        (2) Any circuit judge;

34        (3) Any retired justice or retired circuit judge designated senior status by the Supreme

35 Court of Appeals of West Virginia;  
36 (4) Any family court judge;  
37 (5) Any magistrate;  
38 (6) Any prosecuting attorney;  
39 (7) Any assistant prosecuting attorney; or  
40 (8) Any duly appointed investigator employed by a prosecuting attorney.

**§61-7-7. Persons prohibited from possessing firearms; classifications; right of nonprohibited persons over twenty-one 18 years of age to carry concealed deadly weapons; offenses and penalties; reinstatement of rights to possess; offenses; penalties.**

1 (a) Except as provided in this section, no person shall possess a firearm, as such is defined  
2 in §61-7-2 of this code, who:  
3 (1) Has been convicted in any court of a crime punishable by imprisonment for a term  
4 exceeding one year;  
5 (2) Is habitually addicted to alcohol;  
6 (3) Is an unlawful user of or habitually addicted to any controlled substance;  
7 (4) Has been adjudicated to be mentally incompetent or who has been involuntarily  
8 committed to a mental institution pursuant to the provisions of §27-1-1 *et seq.* of this code or in  
9 similar law of another jurisdiction: *Provided*, That once an individual has been adjudicated as a  
10 mental defective or involuntarily committed to a mental institution, he or she shall be duly notified  
11 that they are to immediately surrender any firearms in their ownership or possession: *Provided*,  
12 *however*, That the mental hygiene commissioner or circuit judge shall first make a determination of  
13 the appropriate public or private individual or entity to act as conservator for the surrendered  
14 property;  
15 (5) Is an alien illegally or unlawfully in the United States;  
16 (6) Has been discharged from the armed forces under dishonorable conditions;

(7) Is subject to a domestic violence protective order that:

(A) Was issued after a hearing of which such person received actual notice and at which person had an opportunity to participate;

(B) Restraints such person from harassing, stalking or threatening an intimate partner of person or child of such intimate partner or person, or engaging in other conduct that would an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(i) Includes a finding that such person represents a credible threat to the physical safety of an intimate partner or child; or

(ii) By its terms explicitly prohibits the use, attempted use or threatened use of physical  
against such intimate partner or child that would reasonably be expected to cause bodily  
or

(8) Has been convicted of a misdemeanor offense of assault or battery either under the provisions of §61-2-28 of this code or the provisions of §61-2-9(b) or §61-2-9(c) of this code or a state statute with the same essential elements in which the victim was a current or spouse, current or former sexual or intimate partner, person with whom the defendant has a common, person with whom the defendant cohabits or has cohabited, a parent or an, the defendant's child or ward or a member of the defendant's household at the time of offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor of domestic violence.

Any person who violates the provisions of this subsection shall be guilty of a misdemeanor upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined in county jail for not less than 90 days nor more than one year, or both.

(b) Notwithstanding the provisions of subsection (a) of this section, any person:

(1) Who has been convicted in this state or any other jurisdiction of a felony crime of  
    ce against the person of another or of a felony sexual offense; or

(2) Who has been convicted in this state or any other jurisdiction of a felony controlled

43 substance offense involving a Schedule I controlled substance other than marijuana, a Schedule II  
44 or a Schedule III controlled substance as such are defined in §60A-2-204, §60A-2-205, and §60A-  
45 2-206, and §60A-2-208 of this code and who possesses a firearm as such is defined in section two  
46 of this article shall be guilty of a felony and, upon conviction thereof, shall be confined in a state  
47 correctional facility for not more than five years or fined not more than \$5,000, or both. The  
48 provisions of subsection (f) of this section shall not apply to persons convicted of offenses referred  
49 to in this subsection or to persons convicted of a violation of this subsection.

50 (c) Any person may carry a concealed deadly weapon without a license therefor who is:  
51 (1) At least twenty-one 18 years of age;  
52 (2) A United States citizen or legal resident thereof;  
53 (3) Not prohibited from possessing a firearm under the provisions of this section; and  
54 (4) Not prohibited from possessing a firearm under the provisions of 18 U. S. C. §922(g) or  
55 (n).

56 (d) As a separate and additional offense to the offense provided for in subsection (a) of this  
57 section, and in addition to any other offenses outlined in this code, and except as provided by  
58 subsection (e) of this section, any person prohibited by subsection (a) of this section from  
59 possessing a firearm who carries a concealed firearm is guilty of a felony and, upon conviction  
60 thereof, shall be confined in a state correctional facility for not more than three years or fined not  
61 more than \$5,000, or both.

62 (e) As a separate and additional offense to the offense described in subsection (b) of this  
63 section, and in addition to any other offenses outlined in this code, any person prohibited by  
64 subsection (b) of this section from possessing a firearm who carries a concealed firearm is guilty of  
65 a felony and, upon conviction thereof, shall be confined in a state correctional facility for not more  
66 than ten years or fined not more than \$10,000, or both.

67 (f) Any person prohibited from possessing a firearm by the provisions of subsection (a) of  
68 this section may petition the circuit court of the county in which he or she resides to regain the

69 ability to possess a firearm and if the court finds by clear and convincing evidence that the person  
70 is competent and capable of exercising the responsibility concomitant with the possession of a  
71 firearm, the court may enter an order allowing the person to possess a firearm if such possession  
72 would not violate any federal law: *Provided*, That a person prohibited from possessing a firearm by  
73 the provisions of subdivision (4), subsection (a) of this section may petition to regain the ability to  
74 possess a firearm in accordance with the provisions of §61-7A-5 of this code.

75 (g) Any person who has been convicted of an offense which disqualifies him or her from  
76 possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set  
77 aside or who subsequent thereto receives an unconditional pardon for said offense shall not be  
78 prohibited from possessing a firearm by the provisions of the section.

#### **§61-7-8. Possession of deadly weapons by minors; prohibitions.**

1 Notwithstanding any other provision of this article to the contrary, a person under the age of  
2 18 years who is not married or otherwise emancipated shall not possess or carry concealed or  
3 openly any deadly weapon: *Provided*, That a minor may possess a firearm upon premises owned  
4 by the minor or his or her family or on the premises of another with the permission of his or her  
5 parent or guardian and in the case of property other than his or her own or that of his or her family,  
6 with the permission of the owner or lessee of the property: *Provided, however*, That nothing in this  
7 section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while  
8 traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site,  
9 and returning to a place where he or she may lawfully possess the weapon.

10 A violation of this section by a person under the age of 18 years shall subject the child to  
11 the jurisdiction of the circuit court under the provisions of §49-4-701 through §49-4-725 of this  
12 code, and the minor may be proceeded against in the same manner as if he or she had committed  
13 an act which if committed by an adult would be a ~~crime~~ violation of §61-7-7(a) of this code, and  
14 may be adjudicated delinquent.

NOTE: The purpose of this bill is to recognize the right of persons 18-20 years of age to carry a deadly weapon without first obtaining a license to carry concealed deadly weapons.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.