

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4926**

By Delegates Anders, Foggin, Kump, and Dillon

[Introduced January 29, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, as amended, by adding a new article, designated §2-  
2 1A-1, §2-1A-2, §2-1A-3, §2-1A-4, §2-1A-5, §2-1A-6, §2-1A-7, §2-1A-8, and §2-1A-9,  
3 relating to establishing the "Second Amendment Reaffirmation and Protection Act," to  
4 protect the right to bear arms in the event that the National Firearms Act, the Gun Control  
5 Act, or the Firearm Owner's Protection Act are repealed or nullified; creating a triggering  
6 clause; listing a preemption clause; prohibiting replacement legislation and protecting  
7 individuals and businesses; creating a private right of action; and establishing enforcement  
8 restrictions and penalties for state law enforcement agencies that violate this Act.

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

**ARTICLE 1A. SECOND AMENDMENT REAFFIRMATION AND PROTECTION ACT.**

**§2-1A-1. Second Amendment Reaffirmation and Protection Act: Purpose.**

1 (a) This Act shall be known as the "Second Amendment Reaffirmation and Protection Act."  
2 (b) The purpose of this Act is to ensure that when federal restrictions on firearms (under the  
3 NFA or related acts) are repealed, nullified, or ruled unconstitutional, West Virginia law  
4 automatically restores full Second Amendment rights without new state restrictions and to prohibit  
5 the State of West Virginia or any of its political subdivisions from enacting, enforcing, or funding  
6 any regulation that mirrors, replaces, or re-imposes the repealed federal firearm laws.

**§2-1A-2. Triggering clause.**

1 (a) Upon the repeal or judicial nullification of any portion of the National Firearms Act  
2 (1934), Gun Control Act (1968), or Firearm Owners Protection Act (1986), those provisions shall  
3 have no force or effect in the State of West Virginia.

4 (b) The State and its agencies are barred from enacting or enforcing any law, rule, or  
5 regulation that imposes similar restrictions.

**§2-1A-3. Preemption clause.**

1 (a) State preemption of all local firearm regulations is reaffirmed and extended to include  
2 post-federal repeal scenarios.

3       (b) Counties, municipalities, and political subdivisions may not enact or enforce firearm  
4       restrictions inconsistent with this Act.

**§2-1A-4.       Prohibition       on       replacement       legislation.**

1       No law or rule shall be adopted by the Legislature or any state agency to replace, re-enact,  
2       or simulate any federal firearm restriction repealed or overturned.

**§2-1A-5.       Protection       of       individuals       and       businesses.**

1       (a) West Virginians shall not be prosecuted, fined, or otherwise penalized for exercising  
2       rights restored under the repeal or overturning of federal firearm laws.

3       (b) Individuals and businesses with Federal Firearms Licenses and manufacturers shall  
4       retain their full right to produce, sell, or possess firearms or accessories no longer restricted under  
5       federal law.

**§2-1A-6.       Enforcement       restrictions.**

1       State and local law enforcement are prohibited from assisting federal agencies in enforcing  
2       any repealed or unconstitutional firearm restriction. Violation of this prohibition may result in  
3       administrative discipline, fines and loss of state funding for the agency involved.

**§2-1A-7.       Private       right       of       action.**

1       (a) Any citizen aggrieved by enforcement of an illegal firearm restriction may bring civil suit  
2       against the responsible official or agency.

3       (b) A citizen who brings a successful civil action under this Act shall be entitled to all  
4       damages and reasonable attorney fees.

**§2-1A-8.       Legislative       declaration.**

1       (a) The Legislature reaffirms that the right to keep and bear arms is a natural, God-given  
2       right recognized — not granted — by the Constitution.

3       (b) The State of West Virginia stands as a bulwark against any future federal or state  
4       infringement.

**§2-1A-9.       Effective       date.**

1           The Act shall take effect immediately upon certification of repeal or judicial nullification of  
2   any NFA-related provision by Congress, the U.S. Supreme Court, or a federal court of final  
3   jurisdiction.

NOTE: The purpose of this bill is to establish the "Second Amendment Reaffirmation and Protection 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.