



## **WEST VIRGINIA FIREARM LAWS**

*Courtesy of*

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of  
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Fellow West Virginians:

My office has prepared this booklet to assist you in learning about West Virginia firearms law, particularly in the area of concealed licenses and where in the country your West Virginia license is recognized.

As laws are subject to change, up-to-date information is available on our website [www.wvago.gov](http://www.wvago.gov).

Please remember that firearms law is not governed solely by West Virginia law. You must comply with federal laws and regulations, all of which are not contained in this booklet. Concealed handgun licenses are issued by the county sheriff's office in each county. A list of those offices is contained herein.

Sincerely,

Darrell V. McGraw, Jr.  
West Virginia Attorney General

## TABLE OF CONTENTS

Information About Obtaining a West Virginia Concealed Handgun License .....	1-2
Information About Handgun Reciprocity .....	3
Information About Recognition of West Virginia Handgun Licenses .....	3
Locations Where Handguns are Restricted or Forbidden .....	4
Frequently Asked Questions .....	5-6
Provisions of 18 U.S.C. § 922(g) Relating to Those Persons Who Cannot Possess Firearms and Federal Law Exempting Active and Retired Law Enforcement Offices From State CCW Laws .....	7-10
Selected West Virginia Firearm Laws .....	11-29
List of County Sheriff's Offices .....	30-32
Concealed Handgun Application .....	33

## **License to Carry a Concealed Handgun**

A person who wishes to carry a concealed handgun must obtain a license. A license is not required for a person to own a handgun, keep it in his or her home, place of business or other real property. No license is necessary to visibly carry a handgun if the person may lawfully possess a firearm.

Licenses to carry a concealed handgun may be obtained from the sheriff of the county in which the applicant is a resident.

Carrying a concealed handgun without a license is a misdemeanor punishable by incarceration for up to one year and a fine of one hundred to one thousand dollars for a first offense. A second conviction is a felony punishable by incarceration for not less than one nor more than five years and a fine of not less than one thousand nor more than five thousand dollars. W. Va. Code § 61-7-3. Federal law creates exemptions from state CCW laws for active and certain retired law enforcement officers. Copies of those statutes in effect as of the date of this booklet's publication (October 2009) are contained herein.

An applicant for a concealed handgun license must complete an application form. The fees associated with a license application are \$75.00 payable to the sheriff's office and \$15.00 to the West Virginia State Police for the criminal background check. One may often obtain a laminated wallet size copy of the license through the sheriff's office. Fees for this vary. State law requires the possession of one's license when carrying a concealed handgun.

The West Virginia State Police strongly recommend that if one does not have a concealed handgun permit, all weapons transported in a motor vehicle should be unloaded with the ammunition stored separately.

Lastly, West Virginia law requires that hunting weapons being transported in a vehicle be unloaded and in cases.

It is important to note that while West Virginia is an "open carry" state the ability to carry openly is deemed by law enforcement to apply only to West Virginia residents. West Virginia law enforcement's interpretation of "open carry" is that the handgun must be visible from three sides.

**An applicant for a concealed handgun license must meet the following requirements:**

- Must be 21 years of age or older and a resident of the county of application and if a foreign national, must be a legal alien..
- Must not be prohibited from possessing a firearm by federal law. This law, 18 U.S.C. § 922(g), prohibits the following persons from possessing a firearm:
  - one convicted of a felony;
  - a fugitive from justice;
  - an unlawful user of, or one addicted to, any controlled substance as defined in section 102 of the Controlled Substance Act (21 U.S. Code § 802);
  - one who has been adjudicated as a mental defective or who has been committed to a mental institution;
  - one who has been discharged from the Armed Forces under dishonorable conditions;
  - one who has been convicted of the misdemeanor crime of domestic violence or who is the subject of a court order that restrains the person from harassing, stalking or threatening certain persons and includes a finding that such person represents a credible threat to another's physical safety. (18 U.S. Code § 922g(8)).
- Must not have been convicted of a misdemeanor offense of assault or battery in which the victim was a person described in West Virginia Code § 61-7-4(a)(6);
- Must not be addicted to alcohol and/or illegal use of a controlled substance;
- Must not be under indictment for a felony offense or currently serving a sentence of confinement, parole, probation or other court-ordered supervision;
- Must not be the subject of an emergency or temporary or final domestic violence protective order entered by a court of any jurisdiction described in West Virginia Code § 61-7-4(a)(7);
- Must be physically and mentally competent to carry such weapon and has not been adjudicated mentally incompetent;
- Must have completed a training course in handling and firing a handgun.

The sheriff has 45 days from the date of application in which to act on an initial application or a re-application. (H.B. 3314, 2009 Reg. Session.)

## RECIPROCITY

As of the date of this booklet (October 2009) West Virginia has handgun reciprocity agreements with the states of Alaska, Arizona, Arkansas, Florida, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Oklahoma, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah and Virginia. My office continues to work with other states to reach additional agreements.

The terms of the reciprocity agreements allow West Virginia resident concealed weapons licensees to carry concealed weapons in the reciprocating states.

A resident of the reciprocating states who is 21 years of age or older who has in his or her possession a valid concealed handgun license or permit may also carry concealed weapons in West Virginia.

## RECOGNITION

Current West Virginia law prohibits our recognizing handgun licenses from other states unless there is a reciprocity agreement in place. However, the laws of a number of states do allow recognition of other states' CCW licenses. As of the date of printing of this booklet we have received confirmation from the states of Indiana, Montana and Vermont that a West Virginia issued concealed handgun license is recognized in those states.

Our research indicates that Idaho and Kansas also recognize West Virginia CCW licenses but we have not yet received written confirmation of this.

Again, laws in West Virginia and elsewhere are subject to change, at least annually. To find the current state of the law, please check our website for up-to-date information on handgun reciprocity and recognition. [www.wvago.gov](http://www.wvago.gov).

### NOTE:

It is very important to remember that when in another state, a West Virginia licensee is subject to the laws of that state relating to locations where firearms are restricted or limited. Please check with law enforcement in the state or states in which you will be traveling.

West Virginia and virtually every other jurisdiction require licensees to keep their license with them while carrying concealed. Additionally, a number of jurisdictions require licensees to tell a law enforcement officer who questions or stops them if they are carrying a concealed weapon.

Downloadable copies of West Virginia's reciprocity agreements are available online at [www.wvago.gov](http://www.wvago.gov) "Gun Reciprocity Information." Click on the state or states where you will be traveling and scroll down to "Related Documents."

## **Locations in West Virginia Where Firearms are Restricted or Forbidden**

Firearms, concealed or otherwise, are by law not allowed in the following locations:

1. Federal government properties or other places where firearms are prohibited by federal law. This includes areas of restricted access in airports.
2. Any property where firearms are prohibited by the owner or operator.
3. Law enforcement offices or stations.
4. Regional jails, detention facilities or State Division of Corrections facilities.
5. County courthouses or any facility housing a court of this state.
6. Any school building, property or grounds or any school bus or conveyance. W. Va. Code § 61-7-11A.

## FREQUENTLY ASKED QUESTIONS

**Q: Is a license required to carry a concealed handgun in West Virginia?**

A: Yes. Any person who intends to carry a concealed handgun must obtain a license to do so. Concealed deadly weapons include pistols, revolvers, and other types of handguns and firearms.

The only persons exempt from state licensing requirements are: law enforcement officers; on-duty correctional officers; on-duty members of the armed forces or National Guard; and certain judicial officials and employees.

**Q: How long is a concealed handgun license valid?**

A: Five years from the date of issuance, unless sooner revoked. Licenses are valid throughout the state during the five year period.

**Q: What do I do if my concealed weapons license has expired?**

A: You must apply to the Sheriff for renewal of your license and pay the applicable fees. Provided all licensure requirements are met, the Sheriff will issue you a new license. The training course requirements are waived for renewal applicants who previously qualified.

**Q: What if my license is revoked?**

A: Your license will be revoked if you violate or become unable to meet any of the licensing application requirements. You must immediately surrender your license to the issuing Sheriff when you become ineligible for continued licensure.

**Q: What should I do if my license is lost or destroyed?**

A: You may obtain a duplicate or substitute license for a fee of \$5.00 by filing a notarized statement with the issuing Sheriff indicating that your license has been lost or destroyed.

**Q: Where can I apply for a concealed deadly weapons license?**

A: At the Office of the Sheriff in your county of residence. A list of sheriff's offices is in this booklet.

**Q: How much does a license cost?**

A: You pay \$75.00 to the sheriff at the time you apply. If your application is approved, you pay an additional \$15.00 prior to issuance of the license for the State Police background check.

**Q: What are the training requirements to obtain a license?**

**A:** Before filing your concealed weapons licensing application, you must present evidence that you have successfully completed one of the following training courses; 1) Any NRA (National Rifle Association) handgun safety or training course; 2) Any handgun safety or training course available to the public through an official law enforcement organization or an educational institution; 3) Any handgun safety or training course conducted by an instructor certified by the state or by the NRA; 4) Any handgun safety or training course conducted by the U.S. military, reserves, or National Guard.

An applicant must present a photocopy of a certificate of course completion, an affidavit from the instructor, or some other document which verifies successful training course completion in order to obtain a license.

**PROVISIONS OF FEDERAL LAW RELATING  
TO THOSE PROHIBITED FROM POSSESSION OF A FIREARM**

**18 U.S.C. § 922. Unlawful Acts**

(g) It shall be unlawful for any person—

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

(5) who, being an alien--

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) who is subject to a court order that--

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

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place 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 such intimate partner or child; or

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

(9) who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

## **PROVISIONS OF FEDERAL LAW EXEMPTING ACTIVE AND CERTAIN RETIRED LAW ENFORCEMENT OFFICERS FROM STATE CCW LAWS**

### **18 U.S.C. § 926A. Interstate transportation of firearms**

Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: *Provided*, That in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

### **18 U.S.C. § 926B. Carrying of concealed firearms by qualified law enforcement officers**

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

(b) This section shall not be construed to supersede or limit the laws of any State that—

(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

(c) As used in this section, the term "qualified law enforcement officer" means an employee of a governmental agency who—

(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

- (2) is authorized by the agency to carry a firearm;
  - (3) is not the subject of any disciplinary action by the agency;
  - (4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
  - (5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
  - (6) is not prohibited by Federal law from receiving a firearm.
- (d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.
- (e) As used in this section, the term "firearm" does not include—
- (1) any machinegun (as defined in section 5845 of the National Firearms Act);
  - (2) any firearm silencer (as defined in section 921 of this title); and
  - (3) any destructive device (as defined in section 921 of this title).

**18 U.S.C. § 926C. Carrying of concealed firearms by qualified retired law enforcement officers**

- (a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).
- (b) This section shall not be construed to supersede or limit the laws of any State that—
- (1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
  - (2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.
- (c) As used in this section, the term "qualified retired law enforcement officer" means an individual who—
- (1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or

(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) has a nonforfeitable right to benefits under the retirement plan of the agency;

(5) during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms;

(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) is not prohibited by Federal law from receiving a firearm.

(d) The identification required by this subsection is—

(1) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

(2)(A) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; and

(B) a certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

(e) As used in this section, the term "firearm" does not include—

(1) any machinegun (as defined in section 5845 of the National Firearms Act);

(2) any firearm silencer (as defined in section 921 of this title); and

(3) a destructive device (as defined in section 921 of this title).

## **Selected West Virginia Firearms Laws 2009**

Please note that this is not all the laws of West Virginia relating to firearms and is accurate through the 2009 Legislative session. If you have a particular question or issue, contact your local law enforcement office. A list of county sheriff's offices is contained in this booklet.

### **§ 15-5-19a. Possession of firearms during a declared state of emergency**

No powers granted under this article to state or local authorities may be interpreted to authorize the seizure or confiscation of a firearm from a person during a declared state of emergency unless that firearm is unlawfully possessed or unlawfully carried by the person, or the person is otherwise engaged in a criminal act.

### **§ 15-10-5. Federal officers' peace-keeping authority**

(a) Notwithstanding any provision of this code to the contrary, any person who is employed by the United States government as a federal law-enforcement officer and is listed in subsection (b) of this section, has the same authority to enforce the laws of this state, except state or local traffic laws or parking ordinances, as that authority granted to state or local law-enforcement officers, if one or more of the following circumstances exist:

(1) The federal law-enforcement officer is requested to provide temporary assistance by the head of a state or local law-enforcement agency or the designee of the head of the agency and that request is within the state or local law-enforcement agency's scope of authority and jurisdiction and is in writing: *Provided*, That the request does not need to be in writing if an emergency situation exists involving the imminent risk of loss of life or serious bodily injury;

(2) The federal law-enforcement officer is requested by a state or local law-enforcement officer to provide the officer temporary assistance when the state or local law-enforcement officer is acting within the scope of the officer's authority and jurisdiction and where exigent circumstances exist; or

(3) A felony is committed in the federal law-enforcement officer's presence or under circumstances indicating a felony has just occurred.

(b) This section applies to the following persons who are employed as full-time federal law-enforcement officers by the United States government and who are authorized to carry firearms while performing their duties:

(1) Federal bureau of investigation special agents;

- (2) Drug enforcement administration special agents;
  - (3) United States marshal's service marshals and deputy marshals;
  - (4) United States postal service inspectors;
  - (5) Internal revenue service special agents;
  - (6) United States secret service special agents;
  - (7) Bureau of alcohol, tobacco, and firearms special agents;
  - (8) Police officers employed pursuant to 40 U.S.C. §§ 318 and 490 at the federal bureau of investigation's criminal justice information services division facility located within this state; and
  - (9) Law-enforcement commissioned rangers of the national park service.
- (c) Any person acting under the authority granted pursuant to this section:
- (1) Has the same authority and is subject to the same exemptions and exceptions to this code as a state or local law-enforcement officer;
  - (2) Is not an officer, employee, or agent of any state or local law-enforcement agency;
  - (3) May not initiate or conduct an independent investigation into an alleged violation of any provision of this code except to the extent necessary to preserve evidence or testimony at risk of loss immediately following an occurrence described in subdivision (3), subsection (a) of this section;
  - (4) Is subject to 28 U.S.C. § 1346, the Federal Tort Claims Act; and
  - (5) Has the same immunities from liability as a state or local law-enforcement officer.

**§ 20-2-6a. Carrying a concealed handgun**

- (a) Notwithstanding any provision of this code to the contrary, a person licensed to carry a concealed weapon pursuant to the provisions of section four, article seven, chapter sixty-one of this code who is not prohibited at the time from possessing a firearm pursuant to the provisions of section seven, article seven, chapter sixty-one of this code or by any applicable federal law may carry a handgun in a concealed manner for self defense purposes while afield hunting, hiking, camping or in or on a motor vehicle.
- (b) The provisions of this section shall not exempt any person from obtaining any hunting or fishing license or stamp required by the division of natural resources.

### **§ 18-2-8a. Course of study in firearms and firearm safety**

The state board of education may, with the advice of the state superintendent of schools and the director of the division of natural resources, prescribe an orientation program for use in the public schools of this state in the safety of firearms. The orientation program shall deal with the protection of lives and property against loss or damage as a result of improper use of firearms. The orientation program shall also include instruction about the proper use of firearms in hunting, sport competition and care and safety of firearms in the home and may utilize materials prepared by any national nonprofit membership organization which has as one of its purposes the training of people in marksmanship and the safe handling and use of firearms. The county superintendent may arrange for such orientation program in the safety of firearms and its use in each school in the county.

### **§ 20-2-30a. Certificate of training; falsifying, altering, forging, counterfeiting or uttering training certificate; penalties**

(a) Notwithstanding any other provisions of this article, no hunting license or stamp may be issued to any person who was born on or after the first day of January, one thousand nine hundred seventy-five, unless the person submits to the person authorized to issue hunting licenses a certificate of training as provided in this section or proof of completion of any course which promotes as a major objective safety in the handling of firearms and of bow and arrows and which course is approved by the hunter education association or the Director, or provides a State of West Virginia resident or nonresident hunting license from the previous hunting season that displays a certification of training, or attests that a hunter training course has been completed when purchasing a license or stamp online.

(b) The Director shall establish a course in the safe handling of firearms and of bows and arrows, such as the course approved by the hunter education association. This course shall be given at least once per year in each county in this state and shall be taught by instructors certified by the Director. In establishing and conducting this course, the Director may cooperate with any reputable association or organization which promotes as a major objective safety in the handling of firearms and of bows and arrows: *Provided*, That any person holding a Class A-L or AB-L lifetime resident license obtained prior to his or her fifteenth birthday shall be required to obtain a certificate of training as provided in this section before hunting or trapping pursuant to said license. This course of instruction shall be offered without charge, except for materials or ammunition consumed. Upon satisfactory completion of the course, each person instructed in the course shall be issued a certificate of training for the purposes of complying with the requirements of subsection (a) of this section. The certificate shall be in the form prescribed by the Director and shall be valid for hunting license application purposes.

(c)(1) Upon satisfactory completion of this course, any person whose hunting license has been revoked for a violation of the provisions of this chapter may petition the Director for a reduction of his or her revocation time. However, under no circumstances may the time be reduced to less than one year.

(2) Successful completion of this course shall be required to consider the reinstatement of a hunting license of any person whose license has been revoked due to a conviction for negligent shooting of a human being or of livestock under the provisions of section fifty-seven of this article, and who petitions the Director for an early reinstatement of his or her hunting privileges. Such a petitioner shall also comply with the other requirements for consideration of reinstatement contained in section thirty-eight of this article.

(d) It is unlawful for any person to falsify, alter, forge, counterfeit or utter a certificate of training. Any person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five hundred dollars nor more than one thousand dollars, or confined in jail for a period not to exceed one year, or both fined and imprisoned.

(e) Nothing herein contained shall mandate that any county school district in the state be responsible for implementing hunter safety education programs.

#### **§ 48-27-502. Mandatory provisions in (Domestic violence) protective order**

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

(b) The protective order must inform the respondent that he or she is prohibited from possessing any firearm or ammunition, notwithstanding the fact that the respondent may have a valid license to possess a firearm, and that possession of a firearm or ammunition while subject to the court's protective order is a criminal offense under federal law.

(c) The protective order must inform the respondent that the order is in full force and effect in every county of this state.

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

"VIOLATION OF THIS ORDER MAY BE PUNISHED BY CONFINEMENT IN A REGIONAL OR COUNTY JAIL FOR AS LONG AS ONE YEAR AND BY A FINE OF AS MUCH AS TWO THOUSAND DOLLARS".

#### **§ 61-3B-3. Trespass on property other than structure or conveyance**

(a) Any person who knowingly and without being authorized, licensed or invited, enters or remains on any property, other than a structure or conveyance, as to which notice against entering or remaining is either given by actual communication to such person or by posting, fencing or cultivation, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred dollars.

(b) If the offender defies an order to leave, personally communicated to him by the owner, tenant or agent of such owner or tenant, or if the offender opens any door, fence or gate, and thereby exposes animals, crops or other property to waste, destruction or freedom, or causes any damage to property by such trespassing on property other than a structure or conveyance, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned in the county jail for a period not to exceed six months, or both such fine and imprisonment.

(c) If the offender is armed with a firearm or other dangerous weapon with the unlawful and felonious intent to do bodily injury to a human being during his commission of the offense of trespass on property other than a structure or conveyance, such offender shall, notwithstanding the provisions of section one, article seven, chapter sixty-one of this Code, be guilty of a misdemeanor, and, upon conviction thereof, shall be confined in the county jail for a term not to exceed six months, or fined not more than one hundred dollars, or both such fine and imprisonment.

(d) Notwithstanding and in addition to any other penalties provided by law, any person who performs or causes damage to property in the course of a willful trespass shall be liable to the property owner in the amount of twice the amount of such damage: Provided, That the provisions of this article shall not apply in a labor dispute.

## **§ 61-7-2. Definitions**

As used in this article, unless the context otherwise requires:

(1) "Blackjack" means a short bludgeon consisting, at the striking end, of an encased piece of lead or some other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact when a person or object is struck. The term "blackjack" shall include, but not be limited to, a billy, billy club, sand club, sandbag or slapjack.

(2) "Gravity knife" means any knife that has a blade released from the handle by the force of gravity or the application of centrifugal force and when so released is locked in place by means of a button, spring, lever or other locking or catching device.

(3) "Knife" means an instrument, intended to be used or readily adaptable to be used as a weapon, consisting of a sharp-edged or sharp-pointed blade, usually made of steel, attached to a handle which is capable of inflicting cutting, stabbing or tearing wounds. The term "knife" shall include, but not be limited to, any dagger, dirk, poniard or stiletto, with a blade over three and one-half inches in length, any switchblade knife or gravity knife and any other instrument capable of inflicting cutting, stabbing or tearing wounds. A pocket knife with a blade three and one-half inches or less in length, a hunting or fishing knife carried for hunting, fishing, sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term "knife" as defined herein unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.

(4) "Switchblade knife" means any knife having a spring-operated blade which opens automatically upon pressure being applied to a button, catch or other releasing device in its handle.

(5) "Nunchuka" means a flailing instrument consisting of two or more rigid parts, connected by a chain, cable, rope or other nonrigid, flexible or springy material, constructed in such a manner as to allow the rigid parts to swing freely so that one rigid part may be used as a handle and the other rigid part may be used as the striking end.

(6) "Metallic or false knuckles" means a set of finger rings attached to a transverse piece to be worn over the front of the hand for use as a weapon and constructed in such a manner that, when striking another person with the fist or closed hand, considerable physical damage may be inflicted upon the person struck. The terms "metallic or false knuckles" shall include any such instrument without reference to the metal or other substance or substances from which the metallic or false knuckles are made.

(7) "Pistol" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

(8) "Revolver" means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

(9) "Deadly weapon" means an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use. The term "deadly weapon" shall include, but not be limited to, the instruments defined in subdivisions (1) through (8), inclusive, of this section or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of section one-a, article five, chapter eighteen-a of this code and section eleven-a, article seven of this chapter, in addition to the definition of "knife" set forth in subdivision (3) of this section, the term "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of section one-a, article five, chapter eighteen-a of this code and section eleven-a, article seven of this chapter, the term "deadly weapon" includes explosive, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

(10) "Concealed" means hidden from ordinary observation so as to prevent disclosure or recognition. A deadly weapon is concealed when it is carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the deadly weapon was being carried.

(11) "Firearm" means any weapon which will expel a projectile by action of an explosion.

(12) "Controlled substance" has the same meaning as is ascribed to that term in subsection (d), section one hundred one, article one, chapter sixty-a of this code.

(13) "Drug" has the same meaning as is ascribed to that term in subsection (1), section one hundred one, article one, chapter sixty-a of this code.

**§ 61-7-4. License to carry deadly weapons; how obtained.**

(a) Except as provided in subsection (h) of this section, any person desiring to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for the license, and shall pay to the sheriff, at the time of application, a fee of \$75, of which \$15 of that amount shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code. Concealed weapons permits may only be issued for pistols or revolvers. Each applicant shall file with the sheriff, a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:

- (1) The applicant's full name, date of birth, social security number and a description of the applicant's physical features;
- (2) That, on the date the application is made, the applicant is a bona fide resident of this state and of the county in which the application is made and has a valid driver's license or other state-issued photo identification showing the residence;
- (3) That the applicant is twenty-one years of age or older: *Provided*, That any individual who is less than twenty-one years of age and possesses a properly issued concealed weapons license as of the effective date of this article shall be licensed to maintain his or her concealed weapons license notwithstanding the provisions of this section requiring new applicants to be at least twenty-one years of age: *Provided, however*, That upon a showing of any applicant who is eighteen years of age or older that he or she is required to carry a concealed weapon as a condition for employment, and presents satisfactory proof to the sheriff thereof, then he or she shall be issued a license upon meeting all other conditions of this section. Upon discontinuance of employment that requires the concealed weapons license, if the individual issued the license is not yet twenty-one years of age, then the individual issued the license is no longer eligible and must return his or her license to the issuing sheriff;
- (4) That the applicant is not addicted to alcohol, a controlled substance or a drug and is not an unlawful user thereof;
- (5) That the applicant has not been convicted of a felony or of an act of violence involving the misuse of a deadly weapon;
- (6) That the applicant has not been convicted of a misdemeanor offense of assault or battery either under the provisions of section twenty-eight, article two of this chapter or the provisions of subsection (b) or (c), section nine, article two of this chapter in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense; or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;

(7) That the applicant is not under indictment for a felony offense or is not currently serving a sentence of confinement, parole, probation or other court-ordered supervision imposed by a court of any jurisdiction or is the subject of an emergency or temporary domestic violence protective order or is the subject of a final domestic violence protective order entered by a court of any jurisdiction;

(8) That the applicant is physically and mentally competent to carry the weapon;

(9) That the applicant has not been adjudicated to be mentally incompetent;

(10) That the applicant has qualified under the minimum requirements set forth in subsection (d) of this section for handling and firing the weapon: *Provided*, That this requirement shall be waived in the case of a renewal applicant who has previously qualified;

(11) That the applicant authorizes the sheriff of the county, or his or her designee, to conduct an investigation relative to the information contained in the application.

(b) The sheriff shall conduct an investigation including a nationwide criminal background check, in order to verify that the information required in subdivisions (1), (2), (3), (5), (6), (8) and (9), subsection (a) of this section is true and correct.

(c) Sixty dollars of the application fee and any fees for replacement of lost or stolen licenses received by the sheriff shall be deposited by the sheriff into a concealed weapons license administration fund. The fund shall be administered by the sheriff and shall take the form of an interest bearing account with any interest earned to be compounded to the fund. Any funds deposited in this concealed weapon license administration fund are to be expended by the sheriff to pay for the costs associated with issuing concealed weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff may consider appropriate.

(d) All persons applying for a license must complete a training course in handling and firing a handgun. The successful completion of any of the following courses fulfills this training requirement:

(1) Any official National Rifle Association handgun safety or training course;

(2) Any handgun safety or training course or class available to the general public offered by an official law-enforcement organization, community college, junior college, college or private or public institution or organization or handgun training school utilizing instructors duly certified by the institution;

(3) Any handgun training or safety course or class conducted by a handgun instructor certified as such by the state or by the National Rifle Association;

(4) Any handgun training or safety course or class conducted by any branch of the United States Military, Reserve or National Guard.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization or group that conducted or taught said course or class attesting to the successful completion of the course or class by the applicant or a copy of any document which shows successful completion of the course or class shall constitute evidence of qualification under this section.

(e) All concealed weapons license applications must be notarized by a notary public duly licensed under article four, chapter twenty-nine of this code. Falsification of any portion of the application constitutes false swearing and is punishable under the provisions of section two, article five, chapter sixty-one of this code.

(f) If the information in the application is found to be true and correct, the sheriff shall issue a license. The sheriff shall issue, reissue or deny the license within forty-five days after the application is filed if all required background checks authorized by this section are completed.

(g) Before any approved license shall be issued or become effective, the applicant shall pay to the sheriff a fee in the amount of \$15 which the sheriff shall forward to the Superintendent of the West Virginia State Police within thirty days of receipt. The license shall be valid for five years throughout the state, unless sooner revoked.

(h) All persons holding a current and valid concealed weapons license as of December 16, 1995, shall continue to hold a valid concealed weapons license until his or her license expires or is revoked as provided in this article: *Provided*, That all reapplication fees shall be waived for applications received by January 1, 1997, for any person holding a current and valid concealed weapons license as of December 16, 1995, which contains use restrictions placed upon the license as a condition of issuance by the issuing circuit court. Any licenses reissued pursuant to this subsection will be issued for the time period of the original license.

(i) Each license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section.

(j) The Superintendent of the West Virginia State Police shall prepare uniform applications for licenses and license cards showing that the license has been granted and shall do any other act required to be done to protect the state and see to the enforcement of this section.

(k) If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within thirty days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a license under the criteria set forth in this section. The applicant may be represented by counsel, but in no case may the court be required to appoint counsel for an applicant. The final order of the court shall include the

court's findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals.

(l) If a license is lost or destroyed, the person to whom the license was issued may obtain a duplicate or substitute license for a fee of \$5 by filing a notarized statement with the sheriff indicating that the license has been lost or destroyed.

(m) The sheriff shall, immediately after the license is granted as aforesaid, furnish the Superintendent of the West Virginia State Police a certified copy of the approved application. The sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so requested a certified list of all licenses issued in the county. The Superintendent of the West Virginia State Police shall maintain a registry of all persons who have been issued concealed weapons licenses.

(n) All licensees must carry with them a state-issued photo identification card with the concealed weapons license whenever the licensee is carrying a concealed weapon. Any licensee who fails to have in his or her possession a state-issued photo identification card and a current concealed weapons license while carrying a concealed weapon is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.

(o) The sheriff shall deny any application or revoke any existing license upon determination that any of the licensing application requirements established in this section have been violated by the licensee.

(p) A person who is engaged in the receipt, review or in the issuance or revocation of a concealed weapon license does not incur any civil liability as the result of the lawful performance of his or her duties under this article.

(q) Notwithstanding the provisions of subsection (a) of this section, with respect to application by a former law-enforcement officer honorably retired from agencies governed by article fourteen, chapter seven of this code; article fourteen, chapter eight of this code; article two, chapter fifteen of this code; and article seven, chapter twenty of this code, an honorably retired officer is exempt from payment of fees and costs as otherwise required by this section, and the application of the honorably retired officer shall be granted without proof or inquiry by the sheriff as to those requirements set forth in subdivision (9), subsection (a) of this section, if the officer meets the remainder of the requirements of this section and has the approval of the appropriate chief law-enforcement officer.

(r) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a concealed weapon permit issued in accordance with the provisions of this section authorizes the holder of the permit to carry a concealed pistol or revolver on the lands or waters of this state.

**§ 61-7-6. Exceptions as to prohibitions against carrying concealed deadly weapons.**

The licensure provisions set forth in this article do not apply to:

- (1) Any person carrying a deadly weapon upon his or her own premises; nor shall anything herein prevent a person from carrying any firearm, unloaded, from the place of purchase to his or her home, residence or place of business or to a place of repair and back to his or her home, residence or place of business, nor shall anything herein prohibit a person from possessing a firearm while hunting in a lawful manner or while traveling from his or her home, residence or place of business to a hunting site and returning to his or her home, residence or place of business;
- (2) Any person who is a member of a properly organized target-shooting club authorized by law to obtain firearms by purchase or requisition from this state or from the United States for the purpose of target practice from carrying any pistol, as defined in this article, unloaded, from his or her home, residence or place of business to a place of target practice and from any place of target practice back to his or her home, residence or place of business, for using any such weapon at a place of target practice in training and improving his or her skill in the use of the weapons;
- (3) Any law-enforcement officer or law-enforcement official as defined in section one, article twenty-nine, chapter thirty of this code;
- (4) Any employee of the West Virginia Division of Corrections duly appointed pursuant to the provisions of section five, article five, chapter twenty-eight of this code while the employee is on duty;
- (5) Any member of the Armed Forces of the United States or the militia of this state while the member is on duty;
- (6) Any circuit judge, including any retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia, Prosecuting Attorney, Assistant Prosecuting Attorney or a duly appointed investigator employed by a Prosecuting Attorney;
- (7) Any resident of another state who holds a valid license to carry a concealed weapon by a state or a political subdivision which has entered into a reciprocity agreement with this state, subject to the provisions and limitations set forth in section six-a of this article;
- (8) Any federal law-enforcement officer or federal police officer authorized to carry a weapon in the performance of the officer's duty; and
- (9) Any Hatfield-McCoy regional recreation authority ranger while the ranger is on duty.

**§ 61-7-6a. Reciprocity; out-of-state concealed handgun permits.**

(a) A holder of a valid out-of-state permit or license to carry a concealed handgun, as issued by another state with which the State of West Virginia has executed a reciprocity agreement, shall be recognized as valid in this state, if the following conditions are met:

- (1) The permit or license holder is 21 years or older;
- (2) The permit or license is in his or her immediate possession;
- (3) The permit or license holder is not a resident of the State of West Virginia; and,
- (4) The State of West Virginia has executed a valid and effective reciprocity agreement with the issuing state pertaining to the carrying and verification of concealed handgun licenses and permits issued in the respective states.

(b) A holder of a valid permit or license from another state who is authorized to carry a concealed handgun in this state pursuant to provisions of this section is subject to the same laws and restrictions with respect to carrying a concealed handgun as a resident of West Virginia who is so permitted, and must carry the concealed handgun in compliance with the laws of this state.

(c) A license or permit from another state is not valid in this state if the holder is or becomes prohibited by law from possessing a firearm.

(d) The West Virginia Attorney General shall seek to enter into and may execute reciprocity agreements on behalf of the State of West Virginia with states which meet the following standards and requirements:

- (1) The standards applied by the other state before issuing a concealed handgun license or permit must be similar to or greater than the standards imposed by this article;
- (2) This state's law-enforcement officers have continuous access to data bases on the criminal information network, twenty-four hours per day, seven days per week, to verify the continued validity of any license or permit to carry a concealed handgun that has been granted by the issuing state;
- (3) The other state agrees to grant the right to carry a concealed handgun to residents of West Virginia who have valid concealed handgun permits issued pursuant to this article in their possession while carrying concealed weapons in that state; and
- (4) The states agree to apprise one another of changes in permitting standards and requirements, to provide for a prompt reexamination of whether any adopted change in licensing or permitting standards negates the states' ability to continue with the reciprocity agreement.

(e) The West Virginia State Police shall maintain a registry of states with which the State of West Virginia has entered into reciprocity agreements on the criminal information network and make the registry available to law-enforcement officers for investigative purposes.

(f) Every twelve months after the effective date of this section, the West Virginia Attorney General shall make written inquiry of the concealed handgun permitting authorities in each other state as to:

(i) Whether a West Virginia resident may carry a concealed handgun in their state based upon having a valid West Virginia concealed handgun permit; and (ii) whether a West Virginia resident may carry a concealed handgun in that state based upon having a valid West Virginia concealed handgun permit, pursuant to the laws of that state or by the execution of a valid reciprocity agreement between the states.

(g) The West Virginia State Police shall make available to the public a list of states which have entered into reciprocity agreements with the State of West Virginia.

**§ 61-7-7. Persons prohibited from possessing firearms; classifications; reinstatement of rights to possess; offenses; penalties**

(a) Except as provided in this section, no person shall possess a firearm as such is defined in section two of this article who:

(1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(2) Is addicted to alcohol;

(3) Is an unlawful user of or addicted to any controlled substance;

(4) Has been adjudicated as a mental defective or who has been involuntarily committed to a mental institution;

(5) Being an alien is illegally or unlawfully in the United States;

(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 such person had an opportunity to participate;

(B) Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place 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 such intimate partner or child; or

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

(8) Has been convicted of a misdemeanor offense of assault or battery either under the provisions of section twenty-eight, article two of this chapter or the provisions of subsection (b) or (c), section nine, article two of this chapter in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

Any person who violates the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars or confined in the county jail for not less than ninety 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 violence 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 substance offense involving a Schedule I controlled substance other than marijuana, a Schedule II or a Schedule III controlled substance as such are defined in sections two hundred four, two hundred five and two hundred six, article two, chapter sixty-a of this code and who possesses a firearm as such is defined in section two of this article shall be guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not more than five years or fined not more than five thousand dollars, or both. The provisions of subsection (c) of this section shall not apply to persons convicted of offenses referred to in this subsection or to persons convicted of a violation of this subsection.

(c) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law.

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

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

A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of article five, chapter forty-nine of this code, and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

**§ 61-7-11. Brandishing deadly weapons; threatening or causing breach of the peace; criminal penalties**

It shall be unlawful for any person armed with a firearm or other deadly weapon, whether licensed to carry the same or not, to carry, brandish or use such weapon in a way or manner to cause, or threaten, a breach of the peace. Any person violating this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than one thousand dollars, or shall be confined in the county jail not less than ninety days nor more than one year, or both.

**§ 61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver license; possessing deadly weapons on premises housing courts of law and in offices of family law master**

(a) The Legislature hereby finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending, and the persons employed by, schools in this state and for those persons employed with the judicial department of this state. It is for the purpose of providing such assurances of safety, therefore, that subsections (b), (g) and (h) of this section are enacted as a reasonable regulation of the manner in which citizens may exercise those rights accorded to them pursuant to section twenty-two, article three of the Constitution of the state of West Virginia.

(b)(1) It shall be unlawful for any person to possess any firearm or any other deadly weapon on any school bus as defined in section one, article one, chapter seventeen-a of this code, or in or on any public or private primary or secondary education building, structure, facility or grounds thereof, including any vocational

education building, structure, facility or grounds thereof where secondary vocational education programs are conducted or at any school-sponsored function.

(2) This subsection shall not apply to:

(A) A law-enforcement officer acting in his or her official capacity;

(B) A person specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

(C) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle, or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

(D) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms; or

(E) The official mascot of West Virginia University, commonly known as "The Mountaineer", acting in his or her official capacity.

(3) Any person violating this subsection shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary of this state for a definite term of years of not less than two years nor more than ten years, or fined not more than five thousand dollars, or both.

(c) It shall be the duty of the principal of each school subject to the authority of the state board of education to report any violation of subsection (b) of this section discovered by such principal to the state superintendent of schools within seventy-two hours after such violation occurs. The state board of education shall keep and maintain such reports and may prescribe rules establishing policy and procedures for the making and delivery of the same as required by this subsection. In addition, it shall be the duty of the principal of each school subject to the authority of the state board of education to report any violation of subsection (b) of this section discovered by such principal to the appropriate local office of the division of public safety within seventy-two hours after such violation occurs.

(d) In addition to the methods of disposition provided by article five, chapter forty-nine of this code, any court which adjudicates a person who is fourteen years of age or older as delinquent for a violation of subsection (b) of this section may, in its discretion, order the division of motor vehicles to suspend any driver's license or instruction permit issued to such person for such period of time as the court may deem appropriate, such suspension, however, not to extend beyond such person's nineteenth birthday; or, where such person has not been issued a driver's license or instruction permit by this state, order the division of motor vehicles to deny such person's application for the same for such period of time as the court may deem appropriate, such denial, however, not to extend beyond such person's nineteenth birthday. Any suspension ordered by the court pursuant to this subsection shall be effective upon the date of entry of such order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this

subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward the same to the division of motor vehicles.

(e)(1) If a person eighteen years of age or older is convicted of violating subsection (b) of this section, and if such person does not act to appeal such conviction within the time periods described in subdivision (2) of this subsection, such person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

(2) The clerk of the court in which the person is convicted as described in subdivision (1) of this subsection shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward such transcript when the person convicted has not requested an appeal within twenty days of the sentencing for such conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward such transcript when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within thirty days after the judgment was entered.

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner shall determine that the person was convicted as described in subdivision (1) of this subsection, the commissioner shall make and enter an order revoking such person's license or privilege to operate a motor vehicle in this state for a period of one year, or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's twentieth birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of section two, article five-a, chapter seventeen-c of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. Such request for hearing shall be made within ten days after receipt of a copy of the order of suspension. The sole purpose of this hearing shall be for the person requesting the hearing to present evidence that he or she is not the person named in the notice. In the event the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

(4) For the purposes of this subsection, a person is convicted when such person enters a plea of guilty or is found guilty by a court or jury.

(f)(1) It shall be unlawful for any parent(s), guardian(s) or custodian(s) of a person less than eighteen years of age who knows that said person is in violation of subsection (b) of this section, or who has reasonable cause to believe that said person's violation of said subsection is imminent, to fail to immediately report such knowledge or belief to the appropriate school or law-enforcement officials.

(2) Any person violating this subsection shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars, or shall be confined in jail not more than one year, or both.

(g)(1) It shall be unlawful for any person to possess any firearm or any other deadly weapon on any premises which houses a court of law or in the offices of a family law master.

(2) This subsection shall not apply to:

(A) A law-enforcement officer acting in his or her official capacity; and

(B) A person exempted from the provisions of this subsection by order of record entered by a court with jurisdiction over such premises or offices.

(3) Any person violating this subsection shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars, or shall be confined in jail not more than one year, or both.

(h)(1) It shall be unlawful for any person to possess any firearm or any other deadly weapon on any premises which houses a court of law or in the offices of a family law master with the intent to commit a crime.

(2) Any person violating this subsection shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary of this state for a definite term of years of not less than two years nor more than ten years, or fined not more than five thousand dollars, or both.

(i) Nothing in this section may be construed to be in conflict with the provisions of federal law.

#### **§ 61-7-12. Wanton endangerment involving a firearm**

Any person who wantonly performs any act with a firearm which creates a substantial risk of death or serious bodily injury to another shall be guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary for a definite term of years of not less than one year nor more than five years, or, in the discretion of the court, confined in the county jail for not more than one year, or fined not less than two hundred fifty dollars nor more than two thousand five hundred dollars, or both.

For purposes of this section, the term "firearm" shall have the same meaning ascribed to such term as set forth in section two of this article.

**§ 61-7-14. Right of certain persons to limit possession of firearms on premises**

Notwithstanding the provisions of this article, any owner, lessee or other person charged with the care, custody and control of real property may prohibit the carrying openly or concealing of any firearm or deadly weapon on property under his or her domain: Provided, That for purposes of this section "person" means an individual or any entity which may acquire title to real property.

Any person carrying or possessing a firearm or other deadly weapon on the property of another who refuses to temporarily relinquish possession of such firearm or other deadly weapon, upon being requested to do so, or to leave such premises, while in possession of such firearm or other deadly weapon, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars or confined in the county jail not more than six months, or both: Provided, That the provisions of this section shall not apply to those persons set forth in subsections (3) through (6), section six of this code while such persons are acting in an official capacity: Provided, however, That under no circumstances may any person possess or carry or cause the possession or carrying of any firearm or other deadly weapon on the premises of any primary or secondary educational facility in this state unless such person is a law-enforcement officer or he or she has the express written permission of the county school superintendent.

## West Virginia County Sheriffs' Offices

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(304) 728-3200

Jerry Bowman  
Lincoln County Sheriff  
Post Office Box 467  
Hamlin, West Virginia 25523  
(304) 824-7999

Kenneth Lemaster, Jr.  
Berkeley County Sheriff  
802 Emmett Rousch Drive, Suite C  
Martinsburg, West Virginia 25401  
(304) 267-7000

Richard Ferguson  
Brooke County Sheriff  
632 Main Street  
Wellsburg, West Virginia 26070  
(304) 737-3660

Randy Holcomb  
Clay County Sheriff  
P.O. Drawer 429  
Clay, West Virginia 25043  
(304) 587-4260

Mickey Metz  
Gilmer County Sheriff  
10 Howard Street  
Glenville, West Virginia 26351  
(304) 462-7441

Nathan Sions  
Hampshire County Sheriff  
66 North High Street, Room 2  
Romney, West Virginia 26757  
(304) 822-3894

Albert Marano  
Harrison County Sheriff  
301 West Main Street  
Clarksburg, West Virginia 26301  
(304) 624-8550

Mike Rutherford  
Kanawha County Sheriff  
Post Office Box 75087  
Charleston, West Virginia 25375  
(304) 357-0216

W. Eddie Hunter  
Logan County Sheriff  
300 Stratton Street, Room 209  
Logan, West Virginia 25601  
(304) 792-8590

Rodney Miller  
Boone County Sheriff  
200 State Street  
Madison, West Virginia 25130  
(304) 369-7390

T.W. McComas  
Cabell County Sheriff  
750 Fifth Avenue, Room 101  
Huntington, West Virginia 25701  
(304) 526-8664

Worthy C. Underwood  
Doddridge County Sheriff  
Post Office Box 219  
West Union, West Virginia 26456  
(304) 873-1000

Emory W. Feaster, Jr.  
Grant County Sheriff  
5 Highland Avenue  
Petersburg, West Virginia 26847  
(304) 257-1818

Mike White  
Hancock County Sheriff  
Post Office Box 458  
New Cumberland, West Virginia  
26047  
(304) 564-3911

Michael Bright  
Jackson County Sheriff  
Post Office Box 106  
Ripley, West Virginia 25271  
(304) 373-2290

Michael R. Gissy  
Lewis County Sheriff  
Post Office Box 150  
Weston, West Virginia 26452  
(304) 269-8251

Joe Carpenter  
Marion County Sheriff  
Post Office Box 1348  
Fairmont, West Virginia 26555  
(304) 367-5300

John Gruzinskas  
Marshall County Sheriff  
601 6<sup>th</sup> Street  
Moundsville, West Virginia 26041  
(304) 843-1500

Danny R. Wills  
Mercer County Sheriff  
1501 Main Street, Suite 120  
Princeton, West Virginia 24740  
(304) 487-8389

Al Kisner  
Monongalia County Sheriff  
155 Chancery Row  
Morgantown, West Virginia 26505  
(304) 291-7260

Wetzel Bennett  
Nicholas County Sheriff  
700 Main Street, Suite 3  
Summersville, West Virginia 26651  
(304) 872-9611

Ted Maston  
Pleasants County Sheriff  
305 Barkwill Street  
St. Marys, West Virginia 26170  
(304) 684-5588

Mark Smith  
Putnam County Sheriff  
3389 Winfield Road  
Winfield, West Virginia 25213  
(304) 586-0256

Brian Backus  
Ritchie County Sheriff  
109 North Street  
Harrisville, West Virginia 26362  
(304) 643-2262

Robert Beltner  
Taylor County Sheriff  
Post Office Box 189  
Grafton, West Virginia 26354  
(304) 265-3428

Virgil Miller  
Upshur County Sheriff  
38 W. Main Street, Room 103  
Buckhannon, West Virginia 26201  
(304) 472-1185

David Anthony  
Mason County Sheriff  
200 6<sup>th</sup> Street  
Point Pleasant, West Virginia 25550  
(304) 675-3838

Craig A. Fraley  
Mineral County Sheriff  
150 Armstrong Street  
Keyser, West Virginia 26726  
(304) 788-0341

Mike Gravely  
Monroe County Sheriff  
Post Office Box 350  
Union, West Virginia 24983  
(304) 772-3018

Patrick Butler  
Ohio County Sheriff  
Post Office Box 188  
Wheeling, West Virginia 26003  
(304) 234-3784

David Jonese  
Pocahontas County Sheriff  
900A Tenth Avenue  
Marlinton, West Virginia 24954  
(304) 799-4710

Steve Tanner  
Raleigh County Sheriff  
215 Main Street  
Beckley, West Virginia 25801  
(304) 255-9195

Mikel A. Harper  
Roane County Sheriff  
200 Main Street  
Spencer, West Virginia 25276  
(304) 927-2540

Thomas D. Felton  
Tucker County Sheriff  
318 Second Street  
Parsons, West Virginia 26287  
(304) 478-2321

Greg Farley  
Wayne County Sheriff  
700 Hendricks Street  
Wayne, West Virginia 25570  
(304) 272-6378

Danny Mitchell  
McDowell County Sheriff  
90 Wyoming Street, Suite 117  
Welch, West Virginia 24801  
(304) 436-8541

Lonnie Hannah  
Mingo County Sheriff  
Post Office Box 1270  
Williamson, West Virginia 25661  
(304) 235-0300

Vincent Shambaugh  
Morgan County Sheriff  
1260 Valley Road  
Berkeley Springs, West Virginia  
25411  
(304) 258-1067

Kevin Puffenberger  
Pendleton County Sheriff  
Post Office Box 687  
Franklin, West Virginia 26807  
(304) 358-2214

Dallas Wolfe III  
Preston County Sheriff  
103 W. Main Street  
Kingwood, West Virginia 26537  
(304) 329-1611

Jack Roy, Jr.  
Randolph County Sheriff  
Post Office Box 1338  
Elkins, West Virginia 26241  
(304) 636-2100

Ed Dolphin  
Summers County Sheriff  
Post Office Box 157  
Hinton, West Virginia 25951  
(304) 466-7111

Earl P. Kendle, Jr.  
Tyler County Sheriff  
121 Court Street  
Middlebourne, West Virginia 26149  
(304) 758-4229

Jerry Hamrick  
Webster County Sheriff  
2 Court Square, Rm. G-3  
Webster Springs, West Virginia 26288  
(304) 847-2006

James Hoskins  
Wetzel County Sheriff  
Post Office Drawer D  
New Martinsville, West Virginia  
26155  
(304) 455-2430

D. Keith Wilson, Jr.  
Wirt County Sheriff  
Post Office Box 669  
Elizabeth, West Virginia 26143  
(304) 275-4222

Jeff Sandy  
Wood County Sheriff  
328 Second Street  
Parkersburg, West Virginia 26101  
(304) 424-1834

Randall Aliff  
Wyoming County Sheriff  
Post Office Box 529  
Pineville, West Virginia 24874  
(304) 732-8000

## STATE OF WEST VIRGINIA APPLICATION FOR CONCEALED PISTOL/REVOLVER LICENSE

(This application must be completed in ink or by typewriter)

To the Sheriff of \_\_\_\_\_ County, I, the below named applicant, swear/affirm, under penalty of law, that the information contained within this application is true and correct to the best of my knowledge.

DATE OF SUBMISSION: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ APPLICATION TYPE  Initial  Renewal  Honorably Discharged Law Enforcement Officer

A. APPLICANT'S NAME: \_\_\_\_\_  
Last First Middle

B. ADDRESS: \_\_\_\_\_  
Street City State Zip Code

C. D.O.B. \_\_\_\_ / \_\_\_\_ / \_\_\_\_ S.S. # \_\_\_\_ - \_\_\_\_ - \_\_\_\_ HT: \_\_\_\_ Ft. \_\_\_\_ In. WT: \_\_\_\_ RACE: \_\_\_\_ SEX: M  F  EYES: \_\_\_\_ HAIR: \_\_\_\_

D. SCARS, MARKS, AND/OR TATTOOS (Description and location): \_\_\_\_\_

E. I am a bona fide resident of \_\_\_\_\_ County, West Virginia and present the following original, valid West Virginia issued photo identification in support of this assertion (Photocopy of photo I.D. must be attached to application):

WV Driver's License # \_\_\_\_\_  WV Non-Driver's I.D.# \_\_\_\_\_  Other (Describe) \_\_\_\_\_

F. Answer each of the following questions by checking either YES or NO:

		YES	NO
1. Are you under 21 years of age?			
2. Are you addicted to alcohol, a controlled substance or a drug or are you an unlawful user thereof?			
3. Have you been convicted of a felony?			
4. Have you been convicted of an act of violence involving a deadly weapon or an act of Domestic Violence?			
5. Are you under indictment or do you have any criminal charges pending against you?			
6. Are you currently serving a sentence of confinement, parole, probation or other court ordered supervision due to a charge of domestic violence as provided for in 61-2-28 of the Code of West Virginia?			
7. Are you the subject of a restraining order as a result of a domestic violence act as defined in 61-2-28 of the Code of West Virginia or subject to a verified petition of domestic violence or subject to a protective order as provided for in 48-2a of the Code of West Virginia?			
8. Have you ever been adjudicated to be mentally incompetent?			
9. Are you physically and mentally competent to carry a pistol/revolver?			
10. If you are applying for a license to carry a concealed handgun, have you qualified under the minimum requirements for the handling and firing of a handgun as set forth in 61-7-4 of the Code of West Virginia? If YES, attach a copy of the certificate of completion to this application. The Sheriff will determine applicability of this section to Retired Law Enforcement Officers and Renewal Applicants.			

NOTE: If any or all of questions 1-8 listed above are answered YES, then a brief letter of explanation by the applicant must accompany this form.

G. I hereby authorize the Sheriff of \_\_\_\_\_ County, to conduct an investigation into information contained in this application.

H. Furthermore, I understand that the falsification of any information contained within this application constitutes false swearing and is a misdemeanor punishable under the provisions of 61-5-2 of the Code of West Virginia, as amended.

Signature of Applicant X \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Subscribed and sworn before me, in said County and State, this  
the \_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Notary Public

NOTARY PUBLIC USE ONLY

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DATE APPLICATION RECEIVED: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

RECEIVED BY: \_\_\_\_\_

SHERIFF'S DEPARTMENT USE ONLY

**THIS BLOCK TO BE COMPLETED ONLY UPON APPROVAL OF APPLICATION BY SHERIFF**

III Check  YES  NO

West Virginia Criminal Record Check  YES  NO

State Identification Number (SID) \_\_\_\_\_

I, \_\_\_\_\_, Sheriff  
of \_\_\_\_\_ County, West Virginia  
certify this document to be a true and accurate copy of the APPROVED APPLICATION  
for a Concealed Pistol/Revolver Permit for the person identified herein and have  
issued a permit as required by law.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Approval Date

\_\_\_\_\_  
Expiration Date