

Senate Bill No. 387

(By Senators Unger, Snyder, Nohe, Yost and Williams)

[Introduced February 2, 2011; referred to the Committee on the
Judiciary.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §15-2-25c, relating
12 to allowing retired officers to carry a concealed weapon in
13 accordance with federal law.

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

15 That the Code of West Virginia, 1931, as amended, be amended
16 by adding thereto a new section, designated §15-2-25c, to read as
17 follows:

18 **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

19 **§15-2-25c. Rules generally; retired qualified law-enforcement**
20 **officers carrying concealed weapons upon**
21 **retirement.**

22 (a) For purposes of this section, unless the context otherwise
23 indicates:

24 (1) "Qualified law-enforcement officer" means an employee of
25 a government agency who:

26 (A) Is authorized by law to engage in or supervise the

1 prevention, detection, investigation or prosecution of, or the
2 incarceration of any person for, any violation of law and has
3 statutory powers of arrest;

4 (B) Is authorized by the agency to carry a firearm;

5 (C) Is not the subject of any disciplinary action by the
6 agency;

7 (D) Meets standards, if any, established by the agency which
8 require the employee to regularly qualify in the use of a firearm;
9 and

10 (E) Is not prohibited by federal law from receiving a firearm.

11 (2) "Firearm" does not include any machine gun, any firearm
12 silencer and destructive device as defined in the Federal "Law
13 Enforcement Officers Safety Act of 2004."

14 (b) Qualified law-enforcement officers shall be permitted to
15 carry firearms and weapons and no license may be required for the
16 privilege.

17 (c) Any qualified law-enforcement officer who is eligible for
18 retirement with at least twenty years of service who has resigned
19 in good standing from such law-enforcement agency or board is
20 authorized by state law to carry a concealed firearm that has been
21 shipped or transported in interstate or foreign commerce pursuant
22 to the federal Law-Enforcement Officers Safety Act of 2004.

23 (d) The Superintendent of the West Virginia State Police will
24 create a "Retired Carry Course" that qualified law-enforcement
25 officers are required to take every year for a fee of \$25 to
26 receive a valid ID to carry a concealed firearm in accordance with

1 federal law.

NOTE: The purpose of this bill is to allow retired officers to carry a concealed weapon after in accordance with federal law.

This section is new; therefore, strike-throughs and underscoring have been omitted.