

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 387

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

[Originating in the Committee on the Judiciary;
reported February 23, 2011.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-25c, relating to allowing retired officers to carry a concealed weapon in accordance with federal law; directing the Superintendent of the State Police to create a firearms course; and establishing a fee for said course.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. WEST VIRGINIA STATE POLICE.

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

1 (a) For purposes of this section, unless the context other-
2 wise indicates:

3 (1) “Qualified retired law-enforcement officer” means an
4 individual who:

5 (A) Retired in good standing from service with a public
6 agency as a law-enforcement officer, other than for reasons
7 of mental instability;

8 (B) Before such retirement, was authorized by a law to
9 engage in or supervise the prevention, detection, investiga-
10 tion, or prosecution of, or the incarceration of any person for,
11 any violation of law, and had statutory powers of arrest;

12 (C)(i) Before such retirement, was regularly employed as a
13 law-enforcement officer for an aggregate of fifteen years or
14 more; or

15 (ii) Retired from service with such agency, after completing
16 any applicable probationary period of such service, due to a
17 service-connected disability, as determined by such agency;

18 (D) Has a nonforfeitable right to benefits under the
19 retirement plan of the agency;

20 (E) During the most recent twelve-month period , has met,
21 at the expenses of the individual, the State’s standards for
22 training and qualification for active law-enforcement
23 officers to carry firearms;

24 (F) Is not under the influence of alcohol or another intoxi-
25 cating or hallucinatory drug or substance; and

26 (G) Is not prohibited by Federal law from possessing a
27 firearm.

28 (2) “Firearm” does not include any machine gun, any
29 firearm silencer and destructive device as defined in the
30 Federal “Law Enforcement Officers Safety Act of 2004.”

31 (b) Qualified retired law-enforcement officers shall be
32 permitted to carry firearms and weapons and no license may
33 be required for the privilege.

34 (c) Any qualified retired law-enforcement officer is
35 authorized by state law to carry a concealed firearm that has
36 been shipped or transported in interstate or foreign com-
37 merce pursuant to the federal Law-Enforcement Officers
38 Safety Act of 2004.

39 (d) The Superintendent of the West Virginia State Police
40 will create and administer a “Retired Carry Course” that
41 qualified law-enforcement officers are required to take every

42 year for a fee of \$25 to receive a valid ID to carry a concealed
43 firearm in accordance with federal law.