

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 2866**

5
6 (By Delegates Hamilton, A. Evans, Andes, Ireland, Walker, Moye,
7 Lynch, P. Smith, J. Nelson, Frich and Sponaugle)

8 [Passed April 12, 2013; in effect ninety days from passage.]
9

10 AN ACT to amend and reenact §20-2-58 of the Code of West Virginia,
11 1931, as amended, relating to the prohibited discharge of
12 firearms in proximity to buildings, public roads and crowds;
13 providing a limited and conditional exception to allow a
14 resident of a dwelling house, and his or her authorized guest,
15 to discharge a firearm in a lawful manner within five hundred
16 feet of the dwelling house where the resident lives, subject
17 to certain conditions; conditions giving rise to exception;
18 increasing the distance between where a person is permitted to
19 discharge a firearm in relation to a school or church; and
20 establishing misdemeanor criminal penalties for violations.

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

22 That §20-2-58 of the Code of West Virginia, 1931, as amended,
23 be amended and reenacted to read as follows:

24 **ARTICLE 2. WILDLIFE RESOURCES.**

25 **§20-2-58. Shooting across road or near building or crowd;**
26 **penalty.**

1 (a) In addition to any other prohibitions which may exist by
2 law, it shall be unlawful for any person to shoot or discharge any
3 firearms:

4 (1) Across or in any public road in this state, at any time;

5 (2) Within five hundred feet of any school or church; or

6 (3) Within five hundred feet of any dwelling house: *Provided,*
7 That a person who is a resident of a dwelling house, and his or
8 her authorized guest, may shoot or discharge a firearm in a lawful
9 manner within five hundred feet of the dwelling house where the
10 person lives, if the firearm is being discharged with the express
11 or implied knowledge and consent of all residents of that dwelling
12 house, and no other dwelling houses are located within five hundred
13 feet of where the firearm is discharged; or

14 (4) On or near any park or other place where persons gather
15 for purposes of pleasure.

16 (b) Any person violating this section is guilty of a
17 misdemeanor and, upon conviction thereof, shall be fined not less
18 than fifty dollars nor more than \$500 or confined in jail for not
19 more than one hundred days, or both fined and confined.

20 (b) Notwithstanding the provisions of subsection (a) of this
21 section, any person operating a gun repair shop, licensed to do
22 business in the State of West Virginia and duly licensed under
23 applicable federal statutes, may be exempted from the prohibition
24 established by this section and section twelve, article seven,
25 chapter sixty-one of this code for the purpose of test firing a
26 firearm. The director of the Division of Natural Resources shall

1 prescribe such rules as may be necessary to carry out the purposes
2 of the exemption under this section and section twelve, article
3 seven, chapter sixty-one and shall ensure that any person residing
4 in any dwelling home within five hundred feet of such gun repair
5 shop be given an opportunity to protest the granting of such
6 exemption.