

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 369**

5 (SENATORS UNGER, KESSLER (MR. PRESIDENT), D. HALL, COOKMAN, CANN, LAIRD,  
6 BEACH, FITZSIMMONS, JENKINS AND WILLIAMS, *original sponsors*)

7 \_\_\_\_\_  
8 [Passed April 13, 2013; in effect ninety days from passage.]  
9 \_\_\_\_\_

10  
11 AN ACT to amend and reenact §61-7-6 and §61-7-6a of the Code of  
12 West Virginia, 1931, as amended, all relating to exemptions  
13 and exceptions for West Virginia conceal and carry handgun  
14 license requirements; allowing a resident of another state to  
15 carry a handgun in West Virginia if the nonresident person  
16 holds a valid permit or license to possess or carry a handgun  
17 from another state when certain conditions are met;  
18 establishing a precondition that West Virginia residents with  
19 a West Virginia-issued conceal and carry permit must be  
20 authorized to carry a concealed handgun in that other state;  
21 removing or modifying other concealed handgun reciprocity  
22 requirements; prescribing methods of verification of  
23 reciprocal conceal and carry handgun rights between West  
24 Virginia and another state; clarifying or modifying  
25 reciprocity requirements and responsibilities of the Attorney

1 General and the State Police; exempting judicial officers,  
2 magistrates, prosecutors, assistant prosecutors and  
3 investigators employed by prosecutors staff from paying  
4 handgun conceal and carry license fees when applying for a  
5 conceal and carry permit in this state; requiring the judicial  
6 officers, magistrates, prosecutors, assistant prosecutors and  
7 investigators employed by prosecutors to satisfy all other  
8 licensing requirements and possess a conceal and carry license  
9 before carrying a concealed handgun in this state on and after  
10 July 1, 2013; removing exemption from remaining conceal and  
11 carry licensing requirements for judicial officers,  
12 prosecutors and prosecutor investigators as of July 1, 2013;  
13 and amending provisions of bill consistent with other  
14 legislative action.

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

16 That §61-7-6 and §61-7-6a of the Code of West Virginia, 1931,  
17 as amended, be amended and reenacted, all to read as follows:

18 **ARTICLE 7. DANGEROUS WEAPONS.**

19 **§61-7-6. Exceptions as to prohibitions against carrying concealed**  
20 **handguns; exemptions from licensing fees.**

21 (a) The licensure provisions set forth in this article do not  
22 apply to:

23 (1) Any person:

24 (A) Carrying a deadly weapon upon his or her own premises;

25 (B) Carrying a firearm, unloaded, from the place of purchase

1 to his or her home, residence or place of business or to a place of  
2 repair and back to his or her home, residence or place of business;  
3 or

4 (C) Possessing a firearm while hunting in a lawful manner or  
5 while traveling from his or her home, residence or place of  
6 business to a hunting site and returning to his or her home,  
7 residence or place of business;

8 (2) Any person who is a member of a properly organized  
9 target-shooting club authorized by law to obtain firearms by  
10 purchase or requisition from this state or from the United States  
11 for the purpose of target practice from carrying any pistol, as  
12 defined in this article, unloaded, from his or her home, residence  
13 or place of business to a place of target practice and from any  
14 place of target practice back to his or her home, residence or  
15 place of business, for using any such weapon at a place of target  
16 practice in training and improving his or her skill in the use of  
17 the weapons;

18 (3) Any law-enforcement officer or law-enforcement official as  
19 defined in section one, article twenty-nine, chapter thirty of this  
20 code;

21 (4) Any employee of the West Virginia Division of Corrections  
22 duly appointed pursuant to the provisions of section eleven-c,  
23 article one, chapter twenty-five of this code while the employee is  
24 on duty;

25 (5) Any member of the armed forces of the United States or the

1 militia of this state while the member is on duty;

2       (6) Any resident of another state who holds a valid permit or  
3 license to possess or carry a handgun issued by a state or a  
4 political subdivision subject to the provisions and limitations set  
5 forth in section six-a of this article;

6       (7) Any federal law-enforcement officer or federal police  
7 officer authorized to carry a weapon in the performance of the  
8 officer's duty;

9       (8) Any Hatfield-McCoy Regional Recreation Authority Ranger  
10 while the ranger is on duty; and

11       (9) Any parole officer appointed pursuant to section fourteen,  
12 article twelve, chapter sixty-two of this code in the performance  
13 of their duties.

14       (b) On and after July 1, 2013, the following judicial officers  
15 and prosecutors and staff shall be exempted from paying any  
16 application fees or licensure fees required under this article.  
17 However, on and after that same date, they shall be required to  
18 make application and satisfy all licensure and handgun safety and  
19 training requirements set forth in section four of this article  
20 before carrying a concealed handgun in this state:

21       (1) Any justice of the Supreme Court of Appeals of West  
22 Virginia;

23       (2) Any circuit judge;

24       (3) Any retired justice or retired circuit judge designated  
25 senior status by the Supreme Court of Appeals of West Virginia;

- 1 (4) Any family court judge;
- 2 (5) Any magistrate;
- 3 (6) Any prosecuting attorney;
- 4 (7) Any assistant prosecuting attorney; or
- 5 (8) Any duly appointed investigator employed by a prosecuting
- 6 attorney.

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

9 (a) A valid out-of-state permit or license to possess or carry  
10 a handgun is valid in this state for the carrying of a concealed  
11 handgun, if the following conditions are met:

12 (1) The permit or license holder is twenty-one years of age or  
13 older;

14 (2) The permit or license is in his or her immediate  
15 possession;

16 (3) The permit or license holder is not a resident of the  
17 State of West Virginia; and

18 (4) The Attorney General has been notified by the Governor of  
19 the other state that the other state allows residents of West  
20 Virginia who are licensed in West Virginia to carry a concealed  
21 handgun to carry a concealed handgun in that state or the Attorney  
22 General has entered into a written reciprocity agreement with the  
23 appropriate official of the other state whereby the state agrees to  
24 honor West Virginia concealed handgun licenses in return for same  
25 treatment in this state.

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

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

10 (d) The West Virginia Attorney General shall seek to obtain  
11 recognition of West Virginia concealed handgun licenses and enter  
12 into and execute reciprocity agreements on behalf of the State of  
13 West Virginia with states \_\_\_\_\_ for the recognition  
14 of concealed handgun permits issued pursuant to this article.

15 (e) The West Virginia State Police shall maintain a registry  
16 of states with which the State of West Virginia has entered into  
17 reciprocity agreements or which recognize West Virginia concealed  
18 handgun licenses on the criminal information network and make the  
19 registry available to law-enforcement officers for investigative  
20 purposes.

21 (f) Every twelve months after the effective date of this  
22 section, the West Virginia Attorney General shall make written  
23 inquiry of the concealed handgun licensing or permitting  
24 authorities in each other state as to: (i) Whether a West Virginia  
25 resident may carry a concealed handgun in their state based upon

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

6 (g) The West Virginia State Police shall make available to the  
7 public a list of states which have entered into reciprocity  
8 agreements with the State of West Virginia or that allow residents  
9 of West Virginia who are licensed in West Virginia to carry a  
10 concealed handgun to carry a concealed handgun in that state.