

H. B. 2602

(By Delegates Boggs, Moye, Stowers, Eldridge,
Phillips, L., Swartzmiller, Ferro, Pethtel,
Diserio, Lynch and Young)

[Introduced February 22, 2013; referred to the Committee on the Judiciary.]

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10 A BILL to amend and reenact §61-7-6 and §61-7-6a of the Code of
11 West Virginia, 1931, as amended, all relating to allowing a
12 resident of another state to carry a handgun in West Virginia
13 if the person holds a valid permit or license to possess or
14 carry a handgun from the other state.

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 deadly weapons.

21 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; nor
25 shall anything herein prevent a person from

1 (B) Carrying any a firearm, unloaded, from the place of
2 purchase to his or her home, residence or place of business or to
3 a place of repair and back to his or her home, residence or place
4 of business; ~~nor shall anything herein prohibit a person or~~

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

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

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

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

1 duty;

2 (5) Any member of the Armed Forces of the United States or the
3 militia of this state while the member is on duty;

4 (6) Any circuit judge, including any retired circuit judge
5 designated senior status by the Supreme Court of Appeals of West
6 Virginia, prosecuting attorney, assistant prosecuting attorney or
7 a duly appointed investigator employed by a prosecuting attorney;

8 (7) Any resident of another state who holds a valid permit or
9 license to possess or carry a concealed weapon handgun issued by a
10 state or a political subdivision ~~which has entered into a~~
11 ~~reciprocity agreement with this state,~~ subject to the provisions
12 and limitations set forth in section six-a of this article;

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

16 (9) Any Hatfield-McCoy Regional Recreation Authority Ranger
17 while the ranger is on duty.

18 **§61-7-6a. Reciprocity and recognition; out-of-state concealed**
19 **handgun permits.**

20 (a) A ~~holder of a~~ valid out-of-state permit or license to
21 possess or carry a ~~concealed~~ handgun ~~as issued by another state~~
22 ~~with which the State of West Virginia has executed a reciprocity~~
23 ~~agreement shall be recognized as is valid in this state for the~~
24 carrying of a concealed handgun, if the following conditions are

1 met:

2 (1) The permit or license holder is 21 years of age or older;

3 (2) The permit or license is in his or her immediate
4 possession; and

5 (3) The permit or license holder is not a resident of the
6 State of West Virginia. and

7 (4) ~~The State of West Virginia has executed a valid and~~
8 ~~effective reciprocity agreement with the issuing state pertaining~~
9 ~~to the carrying and verification of concealed handgun licenses and~~
10 ~~permits issued in the respective states.~~

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

17 (c) A license or permit from another state is not valid in
18 this state if the holder is or becomes prohibited by ~~law~~ the laws
19 of this state or the United States from possessing a firearm.

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

24 (1) ~~The standards applied by the other state before issuing a~~

1 concealed handgun license or permit must be similar to or greater
2 than the standards imposed by this article;

3 (2) This state's law enforcement officers have continuous
4 access to databases on the criminal information network,
5 twenty four hours per day, seven days per week, to verify the
6 continued validity of any license or permit to carry a concealed
7 handgun that has been granted by the issuing state;

8 (3) The other state agrees to grant the right to carry a
9 concealed handgun to residents of West Virginia who have valid
10 concealed handgun permits issued pursuant to this article in their
11 possession while carrying concealed weapons in that state; and

12 (4) The states agree to apprise one another of changes in
13 permitting standards and requirements, to provide for a prompt
14 reexamination of whether any adopted change in licensing or
15 permitting standards negates the states' ability to continue with
16 the reciprocity agreement.

17 (e) The West Virginia State Police shall maintain a registry
18 of states with which the State of West Virginia has entered into
19 reciprocity agreements on the criminal information network and make
20 the registry available to law enforcement officers for
21 investigative purposes. for the recognition of concealed handgun
permits issued pursuant to this article.

22 (f) (e) Every twelve months after the effective date of this
23 section, the West Virginia Attorney General shall make written

1 inquiry of the concealed handgun licensing or permitting
2 authorities in each other state as to: (i) Whether a West Virginia
3 resident may carry a concealed handgun in their state based upon
4 having a valid West Virginia concealed handgun permit; and (ii)
5 whether a West Virginia resident may carry a concealed handgun in
6 that state based upon having a valid West Virginia concealed
7 handgun permit, pursuant to the laws of that state or by the
8 execution of a valid reciprocity agreement between the states.

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

NOTE: The purpose of this bill is to provide full faith and credit to nonresidents who have permits or licenses to carry handguns in their states.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.