

COMMITTEE SUBSTITUTE

FOR

H. B. 2787

(BY DELEGATE(S) HAMILTON, BARILL, CADLE, IRELAND,
ELLEM, D. POLING, PERRY, CANTERBURY,
LONGSTRETH, A. EVANS AND ROWAN)

(Originating in the Committee on the Judiciary)
(March 29, 2012)

A BILL to amend and reenact §61-7-6 of the Code of West Virginia, 1931, as amended, relating to exemptions and exceptions granted to statutory conceal and carry requirements; imposing certain training and certification requirements for judges, prosecuting attorneys and investigators employed by a prosecuting attorney; exempting such persons from the payment of conceal and carry permit application fees; expanding the list of judicial officers included in those exempted from the payment of fees; requiring

enhanced handgun training for judicial officers and prosecutors before they can be authorized to carry a handgun in the performance of his or her duties, or to carry a handgun in buildings which house a courtroom.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-6. Exceptions as to prohibitions against carrying concealed deadly weapons.

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

3 (1) Any person carrying a deadly weapon upon his or her
4 own premises; nor shall anything herein prevent a person from
5 carrying any firearm, unloaded, from the place of purchase to his
6 or her home, residence or place of business or to a place of repair
7 and back to his or her home, residence or place of business, nor
8 shall anything herein prohibit a person from possessing a firearm
9 while hunting in a lawful manner or while traveling from his or
10 her home, residence or place of business to a hunting site and
11 returning to his or her home, residence or place of business;

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

22 (3) Any law-enforcement officer or law-enforcement official
23 as defined in section one, article twenty-nine of chapter thirty;

24 (4) Any employee of the West Virginia Division of Correc-
25 tions duly appointed pursuant to the provisions of section five,
26 article five of chapter twenty-eight ~~of this code~~ while the
27 employee is on duty;

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

30 ~~(6) Any circuit judge, including any retired circuit judge~~
31 ~~designated senior status by the Supreme Court of Appeals of~~

32 ~~West Virginia, family court judge, magistrate, prosecuting~~
33 ~~attorney, assistant prosecuting attorney or a duly appointed~~
34 ~~investigator employed by a prosecuting attorney;~~

35 ~~(7)~~(6) Any resident of another state who holds a valid license
36 to carry a concealed weapon by a state or a political subdivision
37 which has entered into a reciprocity agreement with this state,
38 subject to the provisions and limitations set forth in section six-a
39 of this article;

40 ~~(8)~~(7) Any federal law-enforcement officer or federal police
41 officer authorized to carry a weapon in the performance of the
42 officer's duty; and

43 ~~(9)~~(8) Any Hatfield-McCoy regional recreation authority
44 ranger while the ranger is on duty.

45 (b)(1) Any justice of the West Virginia Supreme Court of
46 Appeals; any circuit judge; any retired justice or retired circuit
47 judge designated senior status by the Supreme Court of Appeals
48 of West Virginia; any family court judge; any magistrate; and
49 any prosecuting attorney, assistant prosecuting attorney or a duly
50 appointed investigator employed by a prosecuting attorney is
51 hereby allowed to carry a concealed weapon in this state, without

52 paying an application fee for a conceal and carry permit:
53 *Provided* That, he or she must successfully completed a training
54 course in the safe handling and firing of a handgun which
55 satisfies the requirements of subsection (d), section (4) of this
56 article, and is not otherwise prohibited from possessing or
57 receiving a firearm pursuant to section seven of this article or
58 any provision under 18 U.S.C. § 922(g) or (n).

59 (2) No individual set forth in paragraph (1) of this subsection
60 may be authorized by the Chief Judge or other authority to carry
61 a firearm into a building housing any court in this state unless he
62 or she has successfully completed and maintains firearms
63 training and certification from a program what is equivalent to
64 the firearms training and certification that is required of mem-
65 bers of the state police.

