

COMMITTEE SUBSTITUTE

FOR

H. B. 2866

(BY DELEGATE(S) HAMILTON, A. EVANS, ANDES, IRELAND,
WALKER, MOYE, LYNCH, P. SMITH, J. NELSON, FRICH AND
SPONAUGLE)

(Originating in the Committee on the Judiciary)

[March 28, 2013]

A BILL to amend and reenact §20-2-58 of the Code of West Virginia, 1931, as amended, relating to the prohibited discharge of firearms in proximity to buildings, public roads and crowds; providing a limited and conditional exception to allow a resident of a dwelling house, and his or her authorized guest, to discharge a firearm in a lawful manner within five hundred feet of the dwelling house where the resident lives, subject to certain conditions; conditions

giving rise to exception; increasing the distance between where a person is permitted to discharge a firearm in relation to a school or church; and establishing misdemeanor criminal penalties for violations.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-58. Shooting across road or near building or crowd; 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 ~~four~~ five hundred feet of any ~~schoolhouse~~ school
6 or church; or

7 (3) Within five hundred feet of any dwelling house:

8 Provided, That a person who is a resident of a dwelling house,
9 and his or her authorized guest, may shoot or discharge a firearm
10 in a lawful manner within five hundred feet of the dwelling
11 house where the person lives, if the firearm is being discharged

12 with the express or implied knowledge and consent of all
13 residents of that dwelling house, and no other dwelling houses
14 are located within five hundred feet of where the firearm is
15 discharged; or

16 (4) On or near any park or other place where persons gather
17 for purposes of pleasure. ~~and~~

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

22 (b) ~~Provided, however, That~~ Notwithstanding the provisions
23 of subsection (a) of this section, any person operating a gun
24 repair shop, licensed to do business in the State of West Virginia
25 and duly licensed under applicable federal statutes, may be
26 exempted from the prohibition established by this section and
27 section twelve, article seven, chapter sixty-one of this code for
28 the purpose of test firing a firearm. The director of the
29 ~~department~~ Division of Natural Resources shall prescribe such
30 rules as may be necessary to carry out the purposes of the
31 exemption under this section and section twelve, article seven,

32 chapter sixty-one and shall ensure that any person residing in
33 any dwelling home within five hundred feet of such gun repair
34 shop be given an opportunity to protest the granting of such
35 exemption.