

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 369

(By Senators Unger, Kessler (Mr. President), D. Hall, Cookman,
Cann, Laird, Beach, Fitzsimmons, Jenkins and Williams)

[Originating in the Committee on the Judiciary;
reported March 27, 2013.]

A BILL to amend and reenact §61-7-6 and §61-7-6a of the Code of West Virginia, 1931, as amended, all relating to allowing a resident of another state to carry a handgun in West Virginia if the person holds a valid permit or license to possess or carry a handgun from the other state and the other state allows residents of West Virginia who are licensed in West Virginia to carry a concealed deadly weapon to carry a concealed deadly weapon in that state.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 7. DANGEROUS WEAPONS.

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

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

3 (1) Any person:

4 (A) Carrying a deadly weapon upon his or her own
5 premises; ~~nor shall anything herein prevent a person from~~

6 (B) Carrying ~~any~~ a firearm, unloaded, from the place of
7 purchase to his or her home, residence or place of business or
8 to a place of repair and back to his or her home, residence or
9 place of business; ~~nor shall anything herein prohibit a person~~
10 or

11 (C) From possessing a firearm while hunting in a lawful
12 manner or while traveling from his or her home, residence or
13 place of business to a hunting site and returning to his or her
14 home, residence or place of business;

15 (2) Any person who is a member of a properly organized
16 target-shooting club authorized by law to obtain firearms by
17 purchase or requisition from this state or from the United

18 States for the purpose of target practice from carrying any
19 pistol, as defined in this article, unloaded, from his or her
20 home, residence or place of business to a place of target
21 practice and from any place of target practice back to his or
22 her home, residence or place of business, for using any such
23 weapon at a place of target practice in training and improving
24 his or her skill in the use of the weapons;

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

28 (4) Any employee of the West Virginia Division of
29 Corrections duly appointed pursuant to the provisions of
30 section five, article five, chapter twenty-eight of this code
31 while the employee is on duty;

32 (5) Any member of the armed forces of the United States
33 or the militia of this state while the member is on duty;

34 (6) Any circuit judge, including any retired circuit judge
35 designated senior status by the Supreme Court of Appeals of
36 West Virginia, prosecuting attorney, assistant prosecuting

37 attorney or a duly appointed investigator employed by a
38 prosecuting attorney;

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

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

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

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

1 (a) A ~~holder of a~~ valid out-of-state permit or license to
2 possess or carry a ~~concealed~~ handgun as issued by another
3 ~~state with which the State of West Virginia has executed a~~

4 ~~reciprocity agreement shall be recognized as~~ is valid in this
5 state for the carrying of a concealed handgun, if the following
6 conditions are met:

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

9 (2) The permit or license is in his or her immediate
10 possession;

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

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

17 The Attorney General has been notified by the Governor of
18 the other state that the other state allows residents of West
19 Virginia who are licensed in West Virginia to carry a
20 concealed deadly weapon to carry a concealed deadly
21 weapon in that state or the Attorney General has entered into
22 a written reciprocity agreement with the appropriate official

23 of the other state whereby the state agrees to honor West
24 Virginia concealed handgun licenses in return for same
25 treatment in this state.

26 (b) A holder of a valid permit or license from another
27 state who is authorized to carry a concealed handgun in this
28 state pursuant to provisions of this section is subject to the
29 same laws and restrictions with respect to carrying a
30 concealed handgun as a resident of West Virginia who is so
31 permitted, and must carry the concealed handgun in
32 compliance with the laws of this state.

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

36 (d) The West Virginia Attorney General shall seek to
37 obtain recognition of West Virginia concealed handgun
38 licenses and enter into and ~~may~~ execute reciprocity
39 agreements on behalf of the State of West Virginia with
40 states ~~which meet the following standards and requirements:~~

41 (1) ~~The standards applied by the other state before issuing~~
42 ~~a concealed handgun license or permit must be similar to or~~
43 ~~greater than the standards imposed by this article;~~

44 (2) ~~This state's law-enforcement officers have continuous~~
45 ~~access to databases on the criminal information network,~~
46 ~~8twenty-four hours per day, seven days per week, to verify~~
47 ~~the continued validity of any license or permit to carry a~~
48 ~~concealed handgun that has been granted by the issuing state;~~

49 (3) ~~The other state agrees to grant the right to carry a~~
50 ~~concealed handgun to residents of West Virginia who have~~
51 ~~valid concealed handgun permits issued pursuant to this~~
52 ~~article in their possession while carrying concealed weapons~~
53 ~~in that state, and~~

54 (4) ~~The states agree to apprise one another of changes in~~
55 ~~permitting standards and requirements, to provide for a~~
56 ~~prompt reexamination of whether any adopted change in~~
57 ~~licensing or permitting standards negates the states' ability to~~
58 ~~continue with the reciprocity agreement. for the recognition~~
59 ~~of concealed handgun permits issued pursuant to this article.~~

60 (e) The West Virginia State Police shall maintain a
61 registry of states with which the State of West Virginia has
62 entered into reciprocity agreements or which recognize West
63 Virginia concealed handgun licenses on the criminal
64 information network and make the registry available to
65 law-enforcement officers for investigative purposes.

66 (f) Every twelve months after the effective date of this
67 section, the West Virginia Attorney General shall make
68 written inquiry of the concealed handgun licensing or
69 permitting authorities in each other state as to: (i) Whether
70 a West Virginia resident may carry a concealed handgun in
71 their state based upon having a valid West Virginia concealed
72 handgun permit; and (ii) whether a West Virginia resident
73 may carry a concealed handgun in that state based upon
74 having a valid West Virginia concealed handgun permit,
75 pursuant to the laws of that state or by the execution of a
76 valid reciprocity agreement between the states.

77 (g) The West Virginia State Police shall make available
78 to the public a list of states which have entered into

79 reciprocity agreements with the State of West Virginia or that
80 allow residents of West Virginia who are licensed in West
81 Virginia to carry a concealed deadly weapon to carry a
82 concealed deadly weapon in that state.

(NOTE: The purpose of this bill is to provide full faith and credit to a nonresident who has a permit or license to carry a handgun in his or her state when that state allows residents of West Virginia who are licensed in West Virginia to carry a concealed deadly weapon to carry a concealed deadly weapon in that other state.

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