

# Senate Bill No. 435

(By Senators Palumbo, Kessler (Mr. President) and Beach)

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[Introduced January 27, 2014; referred to the  
Committee on the Judiciary.]

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A BILL to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to correcting an incorrect code reference resulting from a recent amendment to said code requiring certain court personnel to complete certain handgun safety and training requirements before carrying a concealed handgun.

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

That §61-7-14 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

## **ARTICLE 7. DANGEROUS WEAPONS.**

**§61-7-14. Right of certain persons to limit possession of firearms on premises.**

1           Notwithstanding the provisions of this article, any owner,  
2   lessee or other person charged with the care, custody and  
3   control of real property may prohibit the carrying openly or  
4   concealed of any firearm or deadly weapon on property  
5   under his or her domain: *Provided*, That for purposes of this  
6   section “person” means an individual or any entity which  
7   may acquire title to real property.

8           Any person carrying or possessing a firearm or other  
9   deadly weapon on the property of another who refuses to  
10   temporarily relinquish possession of such firearm or other  
11   deadly weapon, upon being requested to do so, or to leave  
12   such premises, while in possession of such firearm or other  
13   deadly weapon, ~~shall be~~ is guilty of a misdemeanor and, upon  
14   conviction thereof, shall be fined not more than \$1,000 or  
15   confined in ~~the county~~ jail not more than six months, or both:  
16   *Provided*, That the provisions of this section ~~shall do not~~  
17   apply to ~~those persons~~ a person set forth in ~~subsections (3)~~  
18   ~~through (6) of section six of this code~~ subdivisions (3)  
19   through (5) of subsection (a) and subdivisions (1) through (8)

20 of subsection (b) of section six of this article while such  
21 ~~persons are~~ person is acting in an his or her official capacity:  
22 *Provided, however,* That under no circumstances may any  
23 person possess or carry or cause the possession or carrying of  
24 any firearm or other deadly weapon on the premises of any  
25 primary or secondary educational facility in this state unless  
26 such person is a law-enforcement officer or he or she has the  
27 express written permission of the county school  
28 superintendent.

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(NOTE: The purpose of this bill is to correct an internal code reference that needs updated following a bill that passed the 2013 regular session.

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