

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-FIRST LEGISLATURE**  
**REGULAR SESSION, 2013**



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 369**

(SENATORS UNGER, KESSLER (MR. PRESIDENT), D. HALL,  
COOKMAN, CANN, LAIRD, BEACH, FITZSIMMONS, JENKINS AND  
WILLIAMS, *ORIGINAL SPONSORS*)

[PASSED APRIL 13, 2013; IN EFFECT NINETY DAYS FROM PASSAGE.]

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AN ACT to amend and reenact §61-7-6 and §61-7-6a of the Code of West Virginia, 1931, as amended, all relating to exemptions and exceptions for West Virginia conceal and carry handgun license requirements; allowing a resident of another state to carry a handgun in West Virginia if the nonresident person holds a valid permit or license to possess or carry a handgun from another state when certain conditions are met; establishing a precondition that West Virginia residents with a West Virginia-issued conceal and carry permit must be authorized to carry a concealed handgun in that other state; removing or modifying other concealed handgun reciprocity requirements; prescribing methods of verification of reciprocal conceal and carry handgun rights between West Virginia and another state; clarifying or modifying reciprocity requirements and responsibilities of the Attorney General and the State Police; exempting judicial officers, magistrates, prosecutors, assistant prosecutors and investigators employed by prosecutors staff from paying handgun conceal and carry license fees when applying for a conceal and carry permit in this state; requiring

the judicial officers, magistrates, prosecutors, assistant prosecutors and investigators employed by prosecutors to satisfy all other licensing requirements and possess a conceal and carry license before carrying a concealed handgun in this state on and after July 1, 2013; removing exemption from remaining conceal and carry licensing requirements for judicial officers, prosecutors and prosecutor investigators as of July 1, 2013; and amending provisions of bill consistent with other legislative action.

*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 handguns; exemptions from licensing fees.**

1 (a) 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;

6 (B) Carrying 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; or

10 (C) Possessing a firearm while hunting in a lawful  
11 manner or while traveling from his or her home, residence or

12 place of business to a hunting site and returning to his or her  
13 home, residence or place of business;

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

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

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

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

33 (6) Any resident of another state who holds a valid permit  
34 or license to possess or carry a handgun issued by a state or  
35 a political subdivision subject to the provisions and  
36 limitations set forth in section six-a of this article;

37 (7) Any federal law-enforcement officer or federal police  
38 officer authorized to carry a weapon in the performance of  
39 the officer's duty;

40 (8) Any Hatfield-McCoy Regional Recreation Authority  
41 Ranger while the ranger is on duty; and

42 (9) Any parole officer appointed pursuant to section  
43 fourteen, article twelve, chapter sixty-two of this code in the  
44 performance of their duties.

45 (b) On and after July 1, 2013, the following judicial  
46 officers and prosecutors and staff shall be exempted from  
47 paying any application fees or licensure fees required under  
48 this article. However, on and after that same date, they shall  
49 be required to make application and satisfy all licensure and  
50 handgun safety and training requirements set forth in section  
51 four of this article before carrying a concealed handgun in  
52 this state:

53 (1) Any justice of the Supreme Court of Appeals of West  
54 Virginia;

55 (2) Any circuit judge;

56 (3) Any retired justice or retired circuit judge designated  
57 senior status by the Supreme Court of Appeals of West  
58 Virginia;

59 (4) Any family court judge;

60 (5) Any magistrate;

61 (6) Any prosecuting attorney;

62 (7) Any assistant prosecuting attorney; or

63 (8) Any duly appointed investigator employed by a  
64 prosecuting attorney.

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

1           (a) A valid out-of-state permit or license to possess or  
2 carry a handgun is valid in this state for the carrying of a  
3 concealed handgun, if the following conditions are met:

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

6           (2) The permit or license is in his or her immediate  
7 possession;

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

10           (4) The Attorney General has been notified by the  
11 Governor of the other state that the other state allows  
12 residents of West Virginia who are licensed in West Virginia  
13 to carry a concealed handgun to carry a concealed handgun  
14 in that state or the Attorney General has entered into a written  
15 reciprocity agreement with the appropriate official of the  
16 other state whereby the state agrees to honor West Virginia  
17 concealed handgun licenses in return for same treatment in  
18 this state.

19           (b) A holder of a valid permit or license from another  
20 state who is authorized to carry a concealed handgun in this  
21 state pursuant to provisions of this section is subject to the  
22 same laws and restrictions with respect to carrying a  
23 concealed handgun as a resident of West Virginia who is so  
24 permitted and must carry the concealed handgun in  
25 compliance with the laws of this state.

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

29 (d) The West Virginia Attorney General shall seek to  
30 obtain recognition of West Virginia concealed handgun  
31 licenses and enter into and execute reciprocity agreements on  
32 behalf of the State of West Virginia with states for the  
33 recognition of concealed handgun permits issued pursuant to  
34 this article.

35 (e) The West Virginia State Police shall maintain a  
36 registry of states with which the State of West Virginia has  
37 entered into reciprocity agreements or which recognize West  
38 Virginia concealed handgun licenses on the criminal  
39 information network and make the registry available to  
40 law-enforcement officers for investigative purposes.

41 (f) Every twelve months after the effective date of this  
42 section, the West Virginia Attorney General shall make  
43 written inquiry of the concealed handgun licensing or  
44 permitting authorities in each other state as to: (i) Whether a  
45 West Virginia resident may carry a concealed handgun in  
46 their state based upon having a valid West Virginia concealed  
47 handgun permit; and (ii) whether a West Virginia resident  
48 may carry a concealed handgun in that state based upon  
49 having a valid West Virginia concealed handgun permit,  
50 pursuant to the laws of that state or by the execution of a  
51 valid reciprocity agreement between the states.

52 (g) The West Virginia State Police shall make available  
53 to the public a list of states which have entered into  
54 reciprocity agreements with the State of West Virginia or that  
55 allow residents of West Virginia who are licensed in West  
56 Virginia to carry a concealed handgun to carry a concealed  
57 handgun in that state.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman Senate Committee*

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*Chairman House Committee*

Originated in the Senate.

In effect ninety days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the .....

Day of ....., 2013.

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*Governor*