

1 **H. B. 4166**

2  
3 (By Delegates Swartzmiller, Diserio, Sponaugle,  
4 Ferro, Campbell, Poling, D., Barill, Jones and  
5 Young)

6  
7 [Introduced January 14, 2014; referred to the  
8 Committee on the Judiciary.]

9  
10 A BILL to amend §61-7-6 of the Code of West Virginia, 1931, as  
11 amended, relating to exempting municipal court judges from  
12 fees for application and license to carry concealed weapons.

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

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

16 **ARTICLE 7. DANGEROUS WEAPONS.**

17 **§61-7-6. Exceptions as to prohibitions against carrying concealed**  
18 **handguns; exemptions from licensing fees.**

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

21 (1) Any person:

22 (A) Carrying a deadly weapon upon his or her own premises;

23 (B) Carrying a firearm, unloaded, from the place of purchase  
24 to his or her home, residence or place of business or to a place of  
25 repair and back to his or her home, residence or place of business;

1 or

2 (C) Possessing a firearm while hunting in a lawful manner or  
3 while traveling from his or her home, residence or place of  
4 business to a hunting site and returning to his or her home,  
5 residence or place of business;

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

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

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

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

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

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

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

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

13          (b) On and after July 1, 2013, the following judicial officers  
14 and prosecutors and staff shall be exempted from paying any  
15 application fees or licensure fees required under this article.  
16 However, on and after that same date, they shall be required to  
17 make application and satisfy all licensure and handgun safety and  
18 training requirements set forth in section four of this article  
19 before carrying a concealed handgun in this state:

20          (1) Any justice of the Supreme Court of Appeals of West  
21 Virginia;

22          (2) Any circuit judge;

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

- 1       (4) Any family court judge;
- 2       (5) Any magistrate;
- 3       (6) Any prosecuting attorney;
- 4       (7) Any assistant prosecuting attorney; or
- 5       (8) Any duly appointed investigator employed by a prosecuting
- 6 attorney.
- 7       (9) Any West Virginia municipal court judge.

NOTE: The purpose of this bill is to add municipal court judges to the list of those not required to pay fees related to permits to carry weapons.

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