

**Senate Bill No. 367**

(By Senators Palumbo, Kessler (Mr. President), Plymale,  
Fitzsimmons and Wells)

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[Introduced January 16, 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 the right of judges and  
prosecutors to carry firearms on certain premises while acting  
in their official capacity; and amending an incorrect cross  
reference in the code as a result of an amendment in 2013.

*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.**

Notwithstanding the provisions of this article, any owner,  
lessee or other person charged with the care, custody and control

1 of real property may prohibit the carrying openly or concealed of  
2 any firearm or deadly weapon on property under his or her domain:  
3 *Provided*, That for purposes of this section "person" means an  
4 individual or any entity which may acquire title to real property.

5 Any person carrying or possessing a firearm or other deadly  
6 weapon on the property of another who refuses to temporarily  
7 relinquish possession of ~~such the~~ firearm or other deadly weapon,  
8 upon being requested to do so, or to leave ~~such the~~ premises, while  
9 in possession of ~~such the~~ firearm or other deadly weapon, ~~shall be~~  
10 is guilty of a misdemeanor and, upon conviction thereof, shall be  
11 fined not more than \$1,000 or confined in ~~the county~~ jail not more  
12 than six months, or both fined and confined: *Provided*, That the  
13 provisions of this section ~~shall~~ does not apply to those persons  
14 set forth in ~~subsections (3) through (6) of section six of this~~  
15 ~~code~~ subdivisions (3) through (5) of subsection (a) and  
16 subdivisions (1) through (8) of subsection (b) of section six of  
17 this article while ~~such those~~ persons are acting in an official  
18 capacity: *Provided, however*, That under no circumstances may any  
19 person possess or carry or cause the possession or carrying of any  
20 firearm or other deadly weapon on the premises of any primary or  
21 secondary educational facility in this state unless such person is  
22 a law-enforcement officer or he or she has the express written  
23 permission of the county school superintendent.

NOTE: The purpose of this bill is to restore the rights of judges and prosecutors to carry firearms on private property by fixing code references that need 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.