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Senate Bill No. 435

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

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

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.

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 firearm or other deadly weapon, upon
8 being requested to do so, or to leave such premises, while in
9 possession of such firearm or other deadly weapon, ~~shall be~~ is
10 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: *Provided*, That the provisions of this
13 section ~~shall~~ do not apply to ~~those persons~~ a person set forth in
14 ~~subsections (3) through (6) of section six of this code~~
15 subdivisions (3) through (5) of subsection (a) and subdivisions (1)
16 through (8) of subsection (b) of section six of this article while
17 such ~~persons are~~ person is acting in ~~an~~ his or her 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 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.)