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H. B. 2651

(By Delegates Frich, Hamilton, J. Nelson, R. Phillips, Faircloth,
Marcum, R. Smith, McGeehan, Moffatt, Ireland and Fast)

[Introduced February 6, 2015; referred to the
Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-16, relating to creating the “Firearm Protection Act”; providing that any federal law which attempts to ban semiautomatic firearm or to limit the size of a magazine of a firearm or other limitation on firearms in this state is unenforceable in West Virginia; and providing for an effective date.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §61-7-16, to read as follows:

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-16. Firearm protection act.

(a) A public servant, as defined by any section within this code, or dealer selling any firearm in this state may not enforce or attempt to enforce any act, law, statute, rule or regulation of the United States Government relating to a personal firearm, firearm accessory or ammunition that is owned or manufactured commercially or privately in West Virginia and that remains exclusively

1 within the borders of West Virginia.

2 (b) The Attorney General may defend a citizen of West Virginia who is prosecuted by the
3 United States Government for violation of a federal law relating to the manufacture, sale, transfer
4 or possession of a firearm, a firearm accessory or ammunition owned or manufactured and retained
5 exclusively within the borders of West Virginia.

6 (c) Any federal law, rule, regulation or order created or effective on or after March 1, 2015,
7 is unenforceable by state officials within the borders of West Virginia if the law, rule, regulation or
8 order attempts to:

9 (1) Ban or restrict ownership of a semiautomatic firearm or any magazine of a firearm; or

10 (2) Require any firearm, magazine or other firearm accessory to be registered in any manner.

11 (d) A public servant or citizen of West Virginia may not be prosecuted in the courts of the
12 State of West Virginia for failing to follow or enforce any law described in subsection (c) of this
13 section.

14 (e) This section is effective immediately upon completion of all acts necessary for a bill to
15 become law as provided by the Code of West Virginia.

NOTE: The purpose of this bill is to create the “Firearm Protection Act” that provides that any federal law effective after March 1, 2015 which attempts to ban semiautomatic firearm or to limit the size of a magazine of a firearm or other limitation on firearms in this state is unenforceable in West Virginia. The bill also provides for an effective date.

§61-7-16 is new; therefore, it has been completely underscored.