

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 347

(By Senators Sypolt, Beach, Blair,
Gaunch, D. Hall, Karnes, Leonhardt,
Maynard, Williams and Ferns)

[Originating in the Committee on
the Judiciary;
reported February 24, 2015.]

A BILL to repeal §61-7-3 and §61-7-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §20-2-5 and §20-2-6a of said code; and to amend and reenact §61-7-4 of said code, all relating to creating the West Virginia Firearms Act of 2015; removing requirement one must have a license to carry a concealed handgun; repealing exceptions section of said code to prohibitions against carrying concealed

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handguns without a license and removing exemptions from licensing fees; authorizing carrying a handgun for purposes of self defense while in the woods of this state whether concealed or not; providing that if findings of fact and conclusions of law of the court fail to uphold denial of a license, the applicant is entitled to reasonable costs and attorney's fees, payable by the sheriff's office which issued denial; defining who is prohibited from possessing firearms and retaining criminal penalties for violations; and establishing procedure for sheriff in determining eligibility for license when license holder changes home county.

Be it enacted by the Legislature of West Virginia:

That §61-7-3 and §61-7-6 of the Code of West Virginia, 1931, as amended, be repealed; that §20-2-5 and §20-2-6a of said code be amended and reenacted; and that

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§61-7-4 of said code be amended and reenacted, all to read as follows:

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-5. Unlawful methods of hunting and fishing and other unlawful acts.

1 Except as authorized by the director, it is unlawful at
2 any time for any person to:

3 (1) Shoot at or to shoot any wild bird or animal unless
4 it is plainly visible to him or her;

5 (2) Dig out, cut out or smoke out, or in any manner
6 take or attempt to take, any live wild animal or wild bird out
7 of its den or place of refuge except as may be authorized by
8 rules promulgated by the director or by law;

9 (3) Make use of, or take advantage of, any artificial
10 light in hunting, locating, attracting, taking, trapping or
11 killing any wild bird or wild animal, or to attempt to do so,

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1 while having in his or her possession or subject to his or her
2 control, or for any person accompanying him or her to have
3 in his or her possession or subject to his or her control, any
4 firearm, whether cased or uncased, bow, arrow, or both, or
5 other implement or device suitable for taking, killing or
6 trapping a wild bird or animal: *Provided*, That it is lawful to
7 hunt or take coyote, fox, raccoon, opossum or skunk by the
8 use of artificial light subject to the restrictions set forth in this
9 subdivision. No person is guilty of a violation of this
10 subdivision merely because he or she looks for, looks at,
11 attracts or makes motionless a wild bird or wild animal with
12 or by the use of an artificial light, unless at the time he or she
13 has in his or her possession a firearm, whether cased or
14 uncased, bow, arrow, or both, or other implement or device
15 suitable for taking, killing or trapping a wild bird or wild
16 animal, or unless the artificial light, other than the head lamps
17 of an automobile or other land conveyance, is attached to, a

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1 part of or used from within or upon an automobile or other
2 land conveyance.

3 Any person violating the provisions of this
4 subdivision is guilty of a misdemeanor and, upon conviction
5 thereof, shall for each offense be fined not less than \$100 nor
6 more than \$500 and shall be confined in jail for not less than
7 ten days nor more than one hundred days;

8 (4) Hunt for, take, kill, wound or shoot at wild
9 animals or wild birds from an airplane, or other airborne
10 conveyance, an automobile, or other land conveyance, or
11 from a motor-driven water conveyance, except as authorized
12 by rules promulgated by the director;

13 (5) Take any beaver or muskrat by any means other
14 than by trap;

15 (6) Catch, capture, take or kill by seine, net, bait, trap
16 or snare or like device of any kind any wild turkey, ruffed
17 grouse, pheasant or quail;

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1 (7) Destroy or attempt to destroy needlessly or
2 willfully the nest or eggs of any wild bird or have in his or her
3 possession the nest or eggs unless authorized to do so under
4 rules promulgated by or under a permit issued by the director;

5 (8) Except as provided in section six of this article,
6 carry an uncased or loaded gun in any of the woods of this
7 state except during the open firearms hunting season for wild
8 animals and nonmigratory wild birds within any county of the
9 state unless he or she has in his or her possession a permit in
10 writing issued to him or her by the director: *Provided*, That
11 this section does not prohibit hunting or taking of unprotected
12 species of wild animals and wild birds and migratory wild
13 birds, during the open season, in the open fields, open water
14 and open marshes of the state nor does it prohibit a person
15 who is not prohibited from possessing firearms by section
16 four, article seven, chapter sixty-one of this code from
17 carrying a deadly weapon for purposes of self defense while

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1 in the woods of this state;

2 (9) Have in his or her possession a crossbow with a
3 nocked bolt, ~~a loaded firearm or a firearm~~ rifle or shotgun
4 ~~from the magazine of which all shells and cartridges have not~~
5 been removed, in or on any vehicle or conveyance, or its
6 attachments, within the state, except as may otherwise be
7 provided by law or regulation. For the purposes of this
8 section, a rifle or shotgun whose magazine readily detaches
9 is considered unloaded if the magazine is detached and no
10 cartridges remain in the rifle or shotgun itself. Except as
11 hereinafter provided, between five o'clock postmeridian of
12 one day and seven o'clock antemeridian, eastern standard
13 time of the day following, any unloaded firearm or crossbow,
14 being lawfully carried in accordance with the foregoing
15 provisions, may be so carried only when in a case or taken
16 apart and securely wrapped. During the period from July 1 to
17 September 30, inclusive, of each year, the foregoing

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1 requirements relative to carrying certain unloaded firearms
2 are permissible only from eight-thirty o'clock postmeridian to
3 five o'clock antemeridian, eastern standard time: *Provided,*
4 That the time periods for carrying unloaded and uncased
5 firearms are extended for one hour after the postmeridian
6 times and one hour before the antemeridian times established
7 above if a hunter is preparing to or in the process of
8 transporting or transferring the firearms to or from a hunting
9 site, campsite, home or other place of abode;

10 (10) Hunt, catch, take, kill, trap, injure or pursue with
11 firearms or other implement by which wildlife may be taken
12 after the hour of five o'clock antemeridian on Sunday on
13 private land without the written consent of the landowner any
14 wild animals or wild birds except when a big game season
15 opens on a Monday, the Sunday prior to that opening day will
16 be closed for any taking of wild animals or birds after five
17 o'clock antemeridian on that Sunday: *Provided,* That traps

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1 previously and legally set may be tended after the hour of five
2 o'clock antemeridian on Sunday and the person so doing may
3 carry only a twenty-two caliber firearm for the purpose of
4 humanely dispatching trapped animals. Any person violating
5 the provisions of this subdivision is guilty of a misdemeanor
6 and, upon conviction thereof, in addition to any fines that
7 may be imposed by this or other sections of this code, is
8 subject to a \$100 fine;

9 (11) Hunt, catch, take, kill, injure or pursue a wild
10 animal or bird with the use of a ferret;

11 (12) Buy raw furs, pelts or skins of fur-bearing
12 animals unless licensed to do so;

13 (13) Catch, take, kill or attempt to catch, take or kill
14 any fish at any time by any means other than by rod, line and
15 hooks with natural or artificial lures unless otherwise
16 authorized by law or rules issued by the director: *Provided,*
17 That snaring of any species of suckers, carp, fallfish and

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1 creek chubs shall at all times be lawful;

2 (14) Employ or hire, or induce or persuade, by the use
3 of money or other things of value, or by any means, any
4 person to hunt, take, catch or kill any wild animal or wild bird
5 except those species on which there is no closed season, or to
6 fish for, catch, take or kill any fish, amphibian or aquatic life
7 which is protected by the provisions of this chapter or rules
8 of the director or the sale of which is prohibited;

9 (15) Hunt, catch, take, kill, capture, pursue, transport,
10 possess or use any migratory game or nongame birds included
11 in the terms of conventions between the United States and
12 Great Britain and between the United States and United
13 Mexican States for the protection of migratory birds and wild
14 mammals concluded, respectively, August 16, 1916, and
15 February 7, 1936, except during the time and in the manner
16 and numbers prescribed by the federal Migratory Bird Treaty
17 Act, 16 U. S. C. §U. S. C. §703, *et seq.*, and regulations made

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1 thereunder;

2 (16) Kill, take, catch or have in his or her possession,
3 living or dead, any wild bird other than a game bird; or
4 expose for sale or transport within or without the state any
5 bird except as aforesaid. No part of the plumage, skin or
6 body of any protected bird may be sold or had in possession
7 for sale except mounted or stuffed plumage, skin, bodies or
8 heads of the birds legally taken and stuffed or mounted,
9 irrespective of whether the bird was captured within or
10 without this state, except the English or European sparrow
11 (passer domesticus), starling (sturnus vulgaris) and cowbird
12 (molothrus ater), which may not be protected and the killing
13 thereof at any time is lawful;

14 (17) Use dynamite or any like explosive or poisonous
15 mixture placed in any waters of the state for the purpose of
16 killing or taking fish. Any person violating the provisions of
17 this subdivision is guilty of a felony and, upon conviction

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1 thereof, shall be fined not more than \$500 or imprisoned for
2 not less than six months nor more than three years, or both
3 fined and imprisoned;

4 (18) Have a bow and gun, or have a gun and any
5 arrow or arrows, in the fields or woods at the same time;

6 (19) Have a crossbow in the woods or fields or use a
7 crossbow to hunt for, take or attempt to take any wildlife
8 except as otherwise provided in section forty-two-w of this
9 article;

10 (20) Take or attempt to take turkey, bear, elk or deer
11 with any arrow unless the arrow is equipped with a point
12 having at least two sharp cutting edges measuring in excess
13 of three fourths of an inch wide;

14 (21) Take or attempt to take any wildlife with an
15 arrow having an explosive head or shaft, a poisoned arrow or
16 an arrow which would affect wildlife by any chemical action;

17 (22) Shoot an arrow across any public highway or

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1 from aircraft, motor-driven watercraft, motor vehicle or other
2 land conveyance;

3 (23) Permit any dog owned by him or her or under his
4 or her control to chase, pursue or follow upon the track of any
5 wild animal or wild bird, either day or night, between May 1
6 and the August 15 next following: *Provided*, That dogs may
7 be trained on wild animals and wild birds, except deer and
8 wild turkeys, and field trials may be held or conducted on the
9 grounds or lands of the owner or by his or her bona fide
10 tenant or tenants or upon the grounds or lands of another
11 person with his or her written permission or on public lands
12 at any time: *Provided, however*, That nonresidents may not
13 train dogs in this state at any time except during the legal
14 small game hunting season: *Provided further*, That the
15 person training said dogs does not have firearms or other
16 implements in his or her possession during the closed season
17 on wild animals and wild birds, whereby wild animals or wild

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1 birds could be taken or killed;

2 (24) Conduct or participate in a field trial,
3 shoot-to-retrieve field trial, water race or wild hunt hereafter
4 referred to as trial: *Provided*, That any person, group of
5 persons, club or organization may hold the trial at any time of
6 the year upon obtaining a permit as is provided in section
7 fifty-six of this article. The person responsible for obtaining
8 the permit shall prepare and keep an accurate record of the
9 names and addresses of all persons participating in said trial
10 and make same readily available for inspection by any natural
11 resources police officer upon request;

12 (25) Except as provided in section four of this article,
13 hunt, catch, take, kill or attempt to hunt, catch, take or kill
14 any wild animal, wild bird or wild fowl except during the
15 open season established by rule of the director as authorized
16 by subdivision (6), section seven, article one of this chapter;

17 (26) Hunting on public lands on Sunday after five

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1 o'clock antemeridian is prohibited;

2 (27) Hunt, catch, take, kill, trap, injure or pursue with
3 firearms or other implement which wildlife can be taken, on
4 private lands on Sunday after the hour of five o'clock
5 antemeridian: *Provided*, That the provisions of this
6 subdivision do not apply in any county until the county
7 commission of the county holds an election on the question
8 of whether the provisions of this subdivision prohibiting
9 hunting on Sunday shall apply within the county and the
10 voters approve the allowance of hunting on Sunday in the
11 county. The election is determined by a vote of the resident
12 voters of the county in which the hunting on Sunday is
13 proposed to be authorized. The county commission of the
14 county in which Sunday hunting is proposed shall give notice
15 to the public of the election by publication of the notice as a
16 Class II-0 legal advertisement in compliance with the
17 provisions of article three, chapter fifty-nine of this code and

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1 the publication area for the publication is the county in which
2 the election is to be held. The date of the last publication of
3 the notice shall fall on a date within the period of the fourteen
4 consecutive days next preceding the election.

5 On the local option election ballot shall be printed the
6 following:

7 Shall hunting on Sunday be authorized in _____
8 County?

9 Yes No

10 (Place a cross mark in the square opposite your
11 choice.)

12 Any local option election to approve or disapprove of
13 the proposed authorization of Sunday hunting within a county
14 shall be in accordance with procedures adopted by the
15 commission. The local option election may be held in
16 conjunction with a primary or general election or at a special
17 election. Approval shall be by a majority of the voters

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1 casting votes on the question of approval or disapproval of
2 Sunday hunting at the election.

3 If a majority votes against allowing Sunday hunting,
4 no election on the issue may be held for a period of one
5 hundred four weeks. If a majority votes “yes”, no election
6 reconsidering the action may be held for a period of five
7 years. A local option election may thereafter be held if a
8 written petition of qualified voters residing within the county
9 equal to at least five percent of the number of persons who
10 were registered to vote in the next preceding general election
11 is received by the county commission of the county in which
12 Sunday hunting is authorized. The petition may be in any
13 number of counterparts. The election shall take place at the
14 next primary or general election scheduled more than ninety
15 days following receipt by the county commission of the
16 petition required by this subsection: *Provided*, That the issue
17 may not be placed on the ballot until all statutory notice

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1 requirements have been met. No local law or regulation
2 providing any penalty, disability, restriction, regulation or
3 prohibition of Sunday hunting may be enacted and the
4 provisions of this article preempt all regulations, rules,
5 ordinances and laws of any county or municipality in conflict
6 with this subdivision; and

7 (28) Hunt or conduct hunts for a fee where the hunter
8 is not physically present in the same location as the wildlife
9 being hunted within West Virginia.

10 **§20-2-6a. Carrying a concealed handgun while afield.**

11 (a) Notwithstanding any provision of this code to the
12 contrary, a person ~~licensed to carry a concealed weapon~~
13 ~~pursuant to the provisions of section four, article seven,~~
14 ~~chapter sixty-one of this code~~ who is not prohibited at the
15 time from possessing a firearm pursuant to the provisions of
16 section seven, article seven, chapter sixty-one of this code or
17 by any applicable federal law may carry a handgun ~~in a~~

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1 ~~concealed manner~~ for self-defense purposes while afield
2 hunting, hiking, camping or in or on a motor vehicle.

3 (b) The provisions of this section shall not exempt any
4 person from obtaining any hunting or fishing license or stamp
5 required by the Division of Natural Resources.

6 **CHAPTER 61. CRIMES AND THEIR**
7 **PUNISHMENT.**

8 **ARTICLE 7. DANGEROUS WEAPONS.**

9 **§61-7-4. License to carry deadly weapons; how obtained.**

10 (a) Except as provided in subsection (h) of this
11 section, any person desiring to obtain a state license to carry
12 a concealed deadly weapon shall apply to the sheriff of his or
13 her county for the license and pay to the sheriff, at the time of
14 application, a fee of \$75, of which \$15 of that amount shall be
15 deposited in the Courthouse Facilities Improvement Fund
16 created by section six, article twenty-six, chapter twenty-nine
17 of this code. Concealed weapons permits may only be issued

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1 for pistols or revolvers. Each applicant shall file with the
2 sheriff a complete application, as prepared by the
3 Superintendent of the West Virginia State Police, in writing,
4 duly verified, which sets forth only the following licensing
5 requirements:

6 (1) The applicant's full name, date of birth, Social
7 Security number, a description of the applicant's physical
8 features, the applicant's place of birth, the applicant's country
9 of citizenship and, if the applicant is not a United States
10 citizen, any alien or admission number issued by the United
11 States Bureau of Immigration and Customs Enforcement, and
12 any basis, if applicable, for an exception to the prohibitions
13 of 18 U. S. C. § 922(g)(5)(B);

14 (2) That, on the date the application is made, the
15 applicant is a bona fide resident of this state and of the county
16 in which the application is made and has a valid driver's
17 license or other state-issued photo identification showing the

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1 residence;

2 (3) That the applicant is twenty-one years of age or
3 older: *Provided*, That any individual who is less than
4 twenty-one years of age and possesses a properly issued
5 concealed weapons license as of the effective date of this
6 article shall be licensed to maintain his or her concealed
7 weapons license notwithstanding the provisions of this
8 section requiring new applicants to be at least twenty-one
9 years of age: *Provided, however*, That upon a showing of any
10 applicant who is eighteen years of age or older that he or she
11 is required to carry a concealed weapon as a condition for
12 employment, and presents satisfactory proof to the sheriff
13 thereof, then he or she shall be issued a license upon meeting
14 all other conditions of this section. Upon discontinuance of
15 employment that requires the concealed weapons license, if
16 the individual issued the license is not yet twenty-one years
17 of age, then the individual issued the license is no longer

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1 eligible and must return his or her license to the issuing
2 sheriff;

3 (4) That the applicant is not addicted to alcohol, a
4 controlled substance or a drug and is not an unlawful user
5 thereof as evidenced by either of the following within the
6 three years immediately prior to the application:

7 (A) Residential or court-ordered treatment for
8 alcoholism or alcohol detoxification or drug treatment; or

9 (B) Two or more convictions for driving while under
10 the influence or driving while impaired;

11 (5) That the applicant has not been convicted of a
12 felony unless the conviction has been expunged or set aside
13 or the applicant's civil rights have been restored or the
14 applicant has been unconditionally pardoned for the offense;

15 (6) That the applicant has not been convicted of a
16 misdemeanor crime of violence other than an offense set forth
17 in subdivision (7) of this subsection in the five years

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1 immediately preceding the application;

2 (7) That the applicant has not been convicted of a
3 misdemeanor crime of domestic violence as defined in 18 U.
4 S. C. § 921(a)(33), or a misdemeanor offense of assault or
5 battery either under the provisions of section twenty-eight,
6 article two of this chapter or the provisions of subsection (b)
7 or (c), section nine, article two of this chapter in which the
8 victim was a current or former spouse, current or former
9 sexual or intimate partner, person with whom the defendant
10 cohabits or has cohabited, a parent or guardian, the
11 defendant's child or ward or a member of the defendant's
12 household at the time of the offense, or a misdemeanor
13 offense with similar essential elements in a jurisdiction other
14 than this state;

15 (8) That the applicant is not under indictment for a
16 felony offense or is not currently serving a sentence of
17 confinement, parole, probation or other court-ordered

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1 supervision imposed by a court of any jurisdiction or is the
2 subject of an emergency or temporary domestic violence
3 protective order or is the subject of a final domestic violence
4 protective order entered by a court of any jurisdiction;

5 (9) That the applicant has not been adjudicated to be
6 mentally incompetent or involuntarily committed to a mental
7 institution. If the applicant has been adjudicated mentally
8 incompetent or involuntarily committed the applicant must
9 provide a court order reflecting that the applicant is no longer
10 under such disability and the applicant's right to possess or
11 receive a firearm has been restored;

12 (10) That the applicant is not prohibited under the
13 provisions of section seven of this article or federal law,
14 including 18 U. S. C. § 922(q) or (n), from receiving,
15 possessing or transporting a firearm;

16 (11) That the applicant has qualified under the
17 minimum requirements set forth in subsection (d) of this

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1 section for handling and firing the weapon: *Provided*, That
2 this requirement shall be waived in the case of a renewal
3 applicant who has previously qualified; and

4 (12) That the applicant authorizes the sheriff of the
5 county, or his or her designee, to conduct an investigation
6 relative to the information contained in the application.

7 (b) For both initial and renewal applications, the
8 sheriff shall conduct an investigation, including a nationwide
9 criminal background check consisting of inquiries of the
10 National Instant Criminal Background Check System, the
11 West Virginia criminal history record responses and the
12 National Interstate Identification Index, and shall review the
13 information received in order to verify that the information
14 required in subsection (a) of this section is true and correct.
15 A license may not be issued unless the issuing sheriff has
16 verified through the National Instant Criminal Background
17 Check System that the information available to him or her

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1 does not indicate that receipt or possession of a firearm by the
2 applicant would be in violation of the provisions of section
3 seven of this article or federal law, including 18 U. S. C. §
4 922(g) or (n).

5 (c) Sixty dollars of the application fee and any fees for
6 replacement of lost or stolen licenses received by the sheriff
7 shall be deposited by the sheriff into a concealed weapons
8 license administration fund. The fund shall be administered
9 by the sheriff and shall take the form of an interest-bearing
10 account with any interest earned to be compounded to the
11 fund. Any funds deposited in this concealed weapon license
12 administration fund are to be expended by the sheriff to pay
13 the costs associated with issuing concealed weapons licenses.
14 Any surplus in the fund on hand at the end of each fiscal year
15 may be expended for other law-enforcement purposes or
16 operating needs of the sheriff's office, as the sheriff considers
17 appropriate.

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1 (d) All persons applying for a license must complete
2 a training course in handling and firing a handgun. The
3 successful completion of any of the following courses fulfills
4 this training requirement:

5 (1) Any official National Rifle Association handgun
6 safety or training course;

7 (2) Any handgun safety or training course or class
8 available to the general public offered by an official
9 law-enforcement organization, community college, junior
10 college, college or private or public institution or organization
11 or handgun training school utilizing instructors certified by
12 the institution;

13 (3) Any handgun training or safety course or class
14 conducted by a handgun instructor certified as such by the
15 state or by the National Rifle Association;

16 (4) Any handgun training or safety course or class
17 conducted by any branch of the United States military,

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1 reserve or National Guard or proof of other handgun
2 qualification received while serving in any branch of the
3 United States military, reserve or National Guard.

4 A photocopy of a certificate of completion of any of
5 the courses or classes or an affidavit from the instructor,
6 school, club, organization or group that conducted or taught
7 the course or class attesting to the successful completion of
8 the course or class by the applicant or a copy of any
9 document which shows successful completion of the course
10 or class is evidence of qualification under this section.

11 (e) All concealed weapons license applications must
12 be notarized by a notary public duly licensed under article
13 four, chapter twenty-nine of this code. Falsification of any
14 portion of the application constitutes false swearing and is
15 punishable under the provisions of section two, article five,
16 chapter sixty-one of this code.

17 (f) The sheriff shall issue a license unless he or she

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1 determines that the application is incomplete, that it contains
2 statements that are materially false or incorrect or that
3 applicant otherwise does not meet the requirements set forth
4 in this section. The sheriff shall issue, reissue or deny the
5 license within forty-five days after the application is filed if
6 all required background checks authorized by this section are
7 completed.

8 (g) Before any approved license is issued or is
9 effective, the applicant shall pay to the sheriff a fee in the
10 amount of \$25 which the sheriff shall forward to the
11 Superintendent of the West Virginia State Police within thirty
12 days of receipt. The license is valid for five years throughout
13 the state, unless sooner revoked.

14 (h) Each license shall contain the full name and
15 address of the licensee and a space upon which the signature
16 of the licensee shall be signed with pen and ink. The issuing
17 sheriff shall sign and attach his or her seal to all license cards.

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1 The sheriff shall provide to each new licensee a duplicate
2 license card, in size similar to other state identification cards
3 and licenses, suitable for carrying in a wallet, and the license
4 card is considered a license for the purposes of this section.

5 (i) The Superintendent of the West Virginia State
6 Police shall prepare uniform applications for licenses and
7 license cards showing that the license has been granted and
8 shall do any other act required to be done to protect the state
9 and see to the enforcement of this section.

10 (j) If an application is denied, the specific reasons for
11 the denial shall be stated by the sheriff denying the
12 application. Any person denied a license may file, in the
13 circuit court of the county in which the application was made,
14 a petition seeking review of the denial. The petition shall be
15 filed within thirty days of the denial. The court shall then
16 determine whether the applicant is entitled to the issuance of
17 a license under the criteria set forth in this section. The

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1 applicant may be represented by counsel, but in no case is the
2 court required to appoint counsel for an applicant. The final
3 order of the court shall include the court's findings of fact and
4 conclusions of law. If the final order upholds the denial, the
5 applicant may file an appeal in accordance with the Rules of
6 Appellate Procedure of the Supreme Court of Appeals. If the
7 findings of fact and conclusions of law of the court fail to
8 uphold the denial, the applicant is entitled to reasonable costs
9 and attorney's fees, payable by the sheriff's office which
10 issued the denial.

11 (k) If a license is lost or destroyed, the person to
12 whom the license was issued may obtain a duplicate or
13 substitute license for a fee of \$5 by filing a notarized
14 statement with the sheriff indicating that the license has been
15 lost or destroyed.

16 (l) Whenever any person after applying for and
17 receiving a concealed handgun license moves from the

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1 address named in the application to another county within the
2 state, the license remains valid for the remainder of the five
3 years unless the sheriff of the new county has determined that
4 the person is no longer eligible for a concealed deadly
5 weapon license under this article and the sheriff shall issue a
6 new license bearing the person's new address and the original
7 expiration date for a fee not to exceed \$5: *Provided*, That the
8 licensee within twenty days thereafter notifies the sheriff in
9 the new county of residence in writing of the old and new
10 addresses.

11 (m) The sheriff shall, immediately after the license is
12 granted as aforesaid, furnish the Superintendent of the West
13 Virginia State Police a certified copy of the approved
14 application. The sheriff shall furnish to the Superintendent of
15 the West Virginia State Police at any time so requested a
16 certified list of all licenses issued in the county. The
17 Superintendent of the West Virginia State Police shall

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1 maintain a registry of all persons who have been issued
2 concealed weapons licenses.

3 ~~(n)~~ Except when subject to an exception under section
4 six, article seven of this chapter, all licensees shall carry with
5 them a state-issued photo identification card with the
6 concealed weapons license whenever the licensee is carrying
7 a concealed weapon. Any licensee who, in violation of this
8 subsection, fails to have in his or her possession a state-issued
9 photo identification card and a current concealed weapons
10 license while carrying a concealed weapon is guilty of a
11 misdemeanor and, upon conviction thereof, shall be fined not
12 less than \$50 or more than \$200 for each offense.

13 ~~(o)~~ (n) The sheriff shall deny any application or
14 revoke any existing license upon determination that any of
15 the licensing application requirements established in this
16 section have been violated by the licensee.

17 ~~(p)~~ (o) A person who is engaged in the receipt, review

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1 or in the issuance or revocation of a concealed weapon
2 license does not incur any civil liability as the result of the
3 lawful performance of his or her duties under this article.

4 Ⓣ (p) Notwithstanding the provisions of subsection
5 (a) of this section, with respect to application by a former
6 law-enforcement officer honorably retired from agencies
7 governed by article fourteen, chapter seven of this code;
8 article fourteen, chapter eight of this code; article two,
9 chapter fifteen of this code; and article seven, chapter twenty
10 of this code, an honorably retired officer is exempt from
11 payment of fees and costs as otherwise required by this
12 section. All other application and background check
13 requirements set forth in this shall be applicable to these
14 applicants.

15 Ⓢ (q) Except as restricted or prohibited by the
16 provisions of this article or as otherwise prohibited by law,
17 the issuance of a concealed weapon permit issued in

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- 1 accordance with the provisions of this section authorizes the
- 2 holder of the permit to carry a concealed pistol or revolver on
- 3 the lands or waters of this state.