

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 109

BY SENATOR PALUMBO

[Introduced January 9, 2019; Referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating
 2 to correcting incorrect code reference resulting from recent amendment to said code
 3 exempting certain persons from prohibitions against carrying concealed handguns or
 4 deadly weapons on the property of another.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-14. Right of certain persons to limit possession of firearms on premises.

1 Notwithstanding the provisions of this article, any owner, lessee, or other person charged
 2 with the care, custody, and control of real property may prohibit the open or concealed carrying
 3 of any firearm or deadly weapon on property under his or her domain: *Provided*, That for purposes
 4 of this section “person” means an individual or any entity which may acquire title to real property.
 5 Any person carrying or possessing a firearm or other deadly weapon on the property of
 6 another who refuses to temporarily relinquish possession of the firearm or other deadly weapon,
 7 upon being requested to do so, or to leave the premises, while in possession of the firearm or
 8 other deadly weapon, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not
 9 more than \$1,000 or confined in jail not more than six months, or both: *Provided*, That the
 10 provisions of this section do not apply to a person as set forth in ~~subdivisions (3) through (7),~~
 11 ~~inclusive, subsection (a), section six of this article~~ §61-7-6(a)(5) through §61-7-6(a)(7) of this code
 12 ~~or a person as set forth in subdivisions (1) through (8), inclusive, subsection (b) of said section,~~
 13 §61-7-6(b)(1) through §61-7-6(b)(8) of this code while the person is acting in his or her official
 14 capacity: *Provided, however*, That under no circumstances, except as provided for by the
 15 provisions of §61-7-11a(b)(2)(l) of this code may any person possess or carry or cause the
 16 possession or carrying of any firearm or other deadly weapon on the premises of any primary or
 17 secondary educational facility in this state unless the person is a law-enforcement officer or he or
 18 she has the express written permission of the county school superintendent.

NOTE: The purpose of this bill is to correct an internal code reference as a result of a bill passed in the 2016 regular session exempting certain persons from prohibitions against carrying concealed handguns or deadly weapons on the property of another.

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