

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

House Bill 4618

BY DELEGATES STEELE, DEAN, HOWELL, HOUSEHOLDER,

SUMMERS, PACK, PHILLIPS, KESSINGER, J. JEFFRIES,

FOSTER AND GRAVES

[Passed March 5, 2020; in effect ninety days from passage.]

1 AN ACT to amend and reenact §61-7-10 of the Code of West Virginia, 1931, as amended, relating
2 to removing from the code, language prohibiting the public display and offering for rent or
3 sale to a passersby on a street, road or alley, any deadly weapon, machine gun,
4 submachine gun or other fully automatic weapon, any rifle, shotgun, or ammunition for
5 same.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-10. Deadly weapons for sale or hire; sale to prohibited persons; penalties.

1 (a) Any person who violates the provisions of subsection (b) of this section is guilty of a
2 misdemeanor and, upon conviction thereof, shall be fined not more than \$5,000 or confined in jail
3 for not more than one year, or both fined and confined, except that where the person violating
4 subsection (b) is other than a natural person, the person shall be fined not more than \$10,000.

5 (b) A person may not knowingly sell, rent, give or lend, or, where the person is other than
6 a natural person, knowingly permit an employee thereof to knowingly sell, rent, give or lend, any
7 deadly weapon other than a firearm to a person prohibited from possessing a deadly weapon
8 other than a firearm by any provision of this article.

9 (c) A person may not knowingly sell, rent, give or lend, or where the person is other than
10 a natural person, knowingly permit an employee thereof to knowingly sell, rent, give or lend a
11 firearm or ammunition to a person prohibited by any provision of this article or the provisions of
12 18 U.S.C. §922.

13 (d) Any person who violates any of the provisions of subsection (c) of this section is guilty
14 of a felony and, upon conviction thereof, shall be fined not more than \$100,000, imprisoned in a
15 state correctional facility for a definite term of years of not less than three years nor more than 10
16 years, or both fined and imprisoned, except that where the person committing an offense
17 punishable under this subsection is other than a natural person, the person shall be fined not
18 more than \$250,000.

19 (e) Any person who knowingly solicits, persuades, encourages or entices a licensed dealer
20 or private seller of firearms or ammunition to transfer a firearm or ammunition under
21 circumstances which the person knows would violate the laws of this state or the United States is
22 guilty of a felony. Any person who willfully procures another to engage in conduct prohibited by
23 this subsection shall be punished as a principal. This subsection does not apply to a law-
24 enforcement officer acting in his or her official capacity. Any person who violates the provisions
25 of this subsection is guilty of a felony and, upon conviction thereof, shall be fined not more than
26 \$5,000, imprisoned in a state correctional facility for a definite term or not less than one year nor
27 more than five years, or both fined and imprisoned.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....
Chairman, House Committee

.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

.....
Clerk of the House of Delegates

.....
Clerk of the Senate

.....
Speaker of the House of Delegates

.....
President of the Senate

The within this the.....
day of, 2020.

.....
Governor