

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2376

BY DELEGATES SMITH, ELLINGTON, J. JEFFRIES, HORST,
PAYNTER, STEELE, PHILLIPS, LONGANACRE, AND CLARK

[Introduced February 13, 2021; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended; relating
2 to allowing the concealed carry of firearms on and in Capitol grounds.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

**§61-6-19. Willful disruption of governmental processes; offenses occurring at State Capitol
Complex; penalties.**

1 (a) If any person willfully interrupts or molests the orderly and peaceful process of any
2 department, division, agency, or branch of state government or of its political subdivisions, he or
3 she is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100,
4 or confined in jail not more than six months, or both fined and confined: *Provided*, That any
5 assembly in a peaceable, lawful, and orderly manner for a redress of grievances is not a violation
6 of this section.

7 (b) Open carry, concealed carry, non-lethal agent, disruption:

8 (1) It is unlawful for any person to bring upon the State Capitol Complex any deadly
9 weapon as defined in §61-7-2 of this code in an open carry status: *Provided*, That a person who
10 may lawfully possess a firearm may keep a firearm in his or her motor vehicle upon the State
11 Capitol Complex if the vehicle is locked and the weapon is out of normal view: *Provided, however*,
12 That a person may not carry upon the State Capitol Complex, a cannister of pepper spray as
13 defined in §61-7-2 of this code that exceeds one ounce.

14 (2) A person who is licensed under §61-7-4 of this code to carry a concealed handgun is
15 permitted to carry same on the grounds and in the Capitol building with restrictions:

16 (A) Governor's office, not allowed.

17 (B) Supreme Court, not allowed.

18 (C) Legislators may post signs designating their Capitol office as a gun-free zone.

19 (D) State Senate and House of Delegates committees may develop firearms rules for the
20 gallery in their respective chambers.

21 (3) It is unlawful for any person to willfully deface any trees, wall, floor, stairs, ceiling,
22 column, statue, monument, structure, surface, artwork, or adornment in the State Capitol
23 Complex. It is unlawful for any person or persons to willfully block or otherwise willfully obstruct
24 any public access, stair, or elevator in the State Capitol Complex after being asked by a law-
25 enforcement officer acting in his or her official capacity to desist: *Provided further*, That in order
26 to preserve the constitutional right of the people to assemble, it is not willful blocking or willful
27 obstruction for persons gathered in a group or crowd if the persons move to the side or part to
28 allow other persons to pass by the group or crowd to gain ingress or egress: *And provided further*,
29 That this subsection does not apply to a law-enforcement officer acting in his or her official
30 capacity.

31 ~~(2)~~ (4) Any person who violates this subsection is guilty of a misdemeanor and, upon
32 conviction thereof, shall be fined not less than \$100, or confined in jail not more than six months,
33 or both fined and confined.

NOTE: The purpose of this bill is to change the West Virginia code to allow concealed carry on and in Capitol grounds.

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