

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4555

BY DELEGATES HAMRICK, DEAN, PAYNTER, HAYNES, AND

HOWELL

[Introduced February 03, 2022; Referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §61-7-13, relating to carrying and storing a handgun or handgun ammunition
 3 by a hotel guest; and defenses to prosecution.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-13. Carrying and storing a handgun or handgun ammunition by a hotel guest.

1 (a) Definition.-- In this section "hotel" means a hotel, motel, inn, or similar business entity
 2 that offers more than 10 rooms to the public for temporary lodging for a fee.

3 (b) Unless possession of a handgun or other firearm or ammunition on hotel property is
 4 prohibited by state or federal law, a hotel may not adopt a policy prohibiting a hotel guest from:

5 (1) Carrying or storing a firearm or firearm ammunition in the guest's hotel room;

6 (2) Carrying a firearm or firearm ammunition directly enroute to or from the hotel or the
 7 guest's hotel room;

8 (3) Carrying a firearm or firearm ammunition directly enroute to or from the guest's vehicle
 9 located on the hotel property, including a vehicle in a parking area provided for hotel guests; or

10 (4) Carrying or storing a firearm or firearm ammunition in the guest's vehicle located on
 11 the hotel property, including a vehicle in a parking area provided for hotel guests.

12 (c) A hotel may adopt a policy requiring a hotel guest carrying a firearm or firearm
 13 ammunition in a common area on the hotel property to carry a:

14 (1) Handgun in a concealed manner; or

15 (2) Firearm or ammunition in a case or bag.

16 (d) It is a defense to prosecution under this section that:

17 (1) The conduct occurred on hotel property, and the basis on which entry on that property
 18 was forbidden is that entry with a firearm or firearm ammunition was forbidden;

19 (2) The actor is a guest of a hotel, and

20 (3) The actor carries:

- 21 (A) Or stores a firearm or firearm ammunition in the actor's hotel room;
22 (B) A firearm or firearm ammunition directly enroute to or from the hotel or the actor's hotel
23 room;
24 (C) A firearm or firearm ammunition directly enroute to or from the actor's vehicle located
25 on the hotel property, including a vehicle in a parking area provided for hotel guests; or
26 (D) Stores a firearm or firearm ammunition in the actor's vehicle located on the hotel
27 property, including a vehicle in a parking area provided for hotel guests.
28 (e) It is a defense to prosecution under this section that the license holder is a guest of a
29 hotel, as defined by subsection (a) of this section.

NOTE: The purpose of this bill is to define carrying and storing a handgun or handgun ammunition by a hotel guest; and provide defenses to prosecution.

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