

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 492

By Senators Chapman, Azinger, Deeds, Grady,
Hamilton, Hunt, Maynard, Phillips, Rucker, Smith,
Stuart, Tarr, Woodrum, Swope, Martin, Roberts, and
Karnes

[Introduced January 27, 2023; 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 to
 2 requiring legislators and staff who hold a current concealed carry permit to register with the
 3 Capitol Police an intent to carry concealed firearms within the Capitol buildings.

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; concealed carry registration by legislators.

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, or
 4 confined in jail not more than six months, or both fined and confined: *Provided*, That any assembly
 5 in a peaceable, lawful, and orderly manner for a redress of grievances is not a violation of this
 6 section.

7 (b) (1) It is unlawful for any person to bring upon the State Capitol Complex any deadly
 8 weapon as defined in §61-7-2 of this code: *Provided*, That a person who may lawfully possess a
 9 firearm may keep a firearm in his or her motor vehicle upon the State Capitol Complex if the
 10 vehicle is locked and the weapon is out of normal view, except legislators and staff may carry
 11 concealed firearms if the provisions of subsection (c) are met: *Provided, however*, That a person
 12 may not carry upon the State Capitol Complex, a cannister of pepper spray as defined in §61-7-2
 13 of this code that exceeds one ounce. It is unlawful for any person to willfully deface any trees, wall,
 14 floor, stairs, ceiling, column, statue, monument, structure, surface, artwork, or adornment in the
 15 State Capitol Complex. It is unlawful for any person or persons to willfully block or otherwise
 16 willfully obstruct any public access, stair, or elevator in the State Capitol Complex after being
 17 asked by a law-enforcement officer acting in his or her official capacity to desist: *Provided further*,
 18 That in order to preserve the constitutional right of the people to assemble, it is not willful blocking
 19 or willful obstruction for persons gathered in a group or crowd if the persons move to the side or

20 part to allow other persons to pass by the group or crowd to gain ingress or egress: *And provided*
21 *further*, That this subsection does not apply to a law-enforcement officer acting in his or her official
22 capacity.

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

26 (c) All legislators and staff who are current holders of a concealed carry permit in this state
27 shall register with the Capitol Police and provide the Capitol Police with a signed letter of intent to
28 carry concealed firearms inside the Capitol building. Once the signed letter of intent to carry is
29 filed, legislators and staff may carry concealed firearms within the Capitol buildings.

NOTE: The purpose of this bill is to require legislators and staff who hold a current concealed carry permit to register with the Capitol Police an intent to carry concealed firearms within the Capitol buildings.

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