

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4918**

By Delegates Horst, Thorne, Heckert, Phillips,  
Crouse, Hite, Maynor, Hardy, Mazzocchi, Howell, and  
W. Clark

[Introduced January 18, 2024; Referred to the Committee  
on the Judiciary]

1 A BILL to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to  
2 codifying the USCCA to provide concealed carry classes in West Virginia.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 7. DANGEROUS WEAPONS.**

**§61-7-4. License to carry deadly weapons; how obtained.**

1 (a) (1) Except as provided in §61-7-4(q) of this code, a legal resident or citizen of West  
2 Virginia desiring to obtain a state resident license to carry a concealed deadly weapon shall apply  
3 to the sheriff of his or her county for the license, and pay to the sheriff, at the time of application, a  
4 fee of \$50. A concealed weapons license may only be issued for pistols and revolvers.

5 (2) A legal resident or citizen of another state of the United States desiring to obtain a  
6 nonresident state license to carry a concealed deadly weapon shall apply to a sheriff of any county  
7 in this state for the license, and pay to the sheriff, at the time of application, a fee of \$100. A  
8 concealed weapons license may only be issued for pistols and revolvers.

9 (b) Each applicant for a state resident license or nonresident license to carry a concealed  
10 deadly weapon shall file with the sheriff a complete application, as prepared by the Superintendent  
11 of the West Virginia State Police, in writing, duly verified, which sets forth only the following  
12 licensing requirements:

13 (1) The applicant’s full name, date of birth, social security number, a description of the  
14 applicant’s physical features, the applicant’s place of birth, the applicant’s country of citizenship,  
15 and, if the applicant is not a United States citizen, any alien or admission number issued by the  
16 United States Bureau of Immigration and Customs Enforcement, and any basis, if applicable, for  
17 an exception to the prohibitions of 18 U.S.C. §922(g)(5)(B);

18 (2) That, on the date the application is made, the applicant is a bona fide United States  
19 citizen or legal resident thereof and either a resident of this state and of the county in which the  
20 application is made or a resident of another state in the United States and has a valid driver’s  
21 license or other state-issued or federally issued photo identification showing the residence;

22 (3) That the applicant is 21 years of age or older;

23 (4) That the applicant is not addicted to alcohol, a controlled substance, or a drug and is not  
24 an unlawful user thereof as evidenced by either of the following within the three years immediately  
25 prior to the application:

26 (A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug  
27 treatment; or

28 (B) Two or more convictions for driving while under the influence or driving while impaired;

29 (5) That the applicant has not been convicted of a felony unless the conviction has been  
30 expunged or set aside, or the applicant's civil rights have been restored or the applicant has been  
31 unconditionally pardoned for the offense;

32 (6) That the applicant has not been convicted of a misdemeanor crime of violence other  
33 than an offense set forth in subdivision (7) of this subsection in the five years immediately  
34 preceding the application;

35 (7) That the applicant has not been convicted of a misdemeanor crime of domestic  
36 violence as defined in 18 U.S.C. §921(a)(33), or a misdemeanor offense of assault or battery  
37 either under §61-2-28 of this code or §61-2-9(b) or §61-2-9(c) of this code, in which the victim was  
38 a current or former spouse, current or former sexual or intimate partner, person with whom the  
39 defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a  
40 member of the defendant's household at the time of the offense, or a misdemeanor offense with  
41 similar essential elements in a jurisdiction other than this state;

42 (8) That the applicant is not under indictment for a felony offense or is not currently serving  
43 a sentence of confinement, parole, probation, or other court-ordered supervision imposed by a  
44 court of any jurisdiction, is the subject of an emergency or temporary domestic violence protective  
45 order, or is the subject of a final domestic violence protective order entered by a court of any  
46 jurisdiction;

47 (9) That the applicant has not been adjudicated to be mentally incompetent or involuntarily

48 committed to a mental institution. If the applicant has been adjudicated mentally incompetent or  
49 involuntarily committed, the applicant shall provide a court order reflecting that the applicant is no  
50 longer under such disability and the applicant's right to possess or receive a firearm has been  
51 restored;

52 (10) That the applicant is not prohibited under the provisions of §61-7-7 of this code or  
53 federal law, including 18 U.S.C. §922(g) or (n), from receiving, possessing, or transporting a  
54 firearm;

55 (11) That the applicant has qualified under the minimum requirements set forth in  
56 subsection (e) of this section for handling and firing the weapon: *Provided*, That this requirement  
57 shall be waived in the case of a renewal applicant who has previously qualified; and

58 (12) That the applicant authorizes the sheriff of the county, or his or her designee, to  
59 conduct an investigation relative to the information contained in the application.

60 (c) For both initial and renewal applications, the sheriff shall conduct an investigation  
61 including a nationwide criminal background check consisting of inquiries of the National Instant  
62 Criminal Background Check System, the West Virginia criminal history record responses, and the  
63 National Interstate Identification Index, and shall review the information received in order to verify  
64 that the information required in subsection (b) of this section is true and correct. A license may not  
65 be issued unless the issuing sheriff has verified through the National Instant Criminal Background  
66 Check System that the information available to him or her does not indicate that receipt or  
67 possession of a firearm by the applicant would be in violation of the provisions of §61-7-7 of this  
68 code or federal law, including 18 U.S.C. §922(g) or (n).

69 (d)(1) Twenty-five dollars of the resident license application fee shall be deposited into the  
70 State Treasury and credited to the account of the State Police, and \$25 of the application fee and  
71 any fees for replacement of lost or stolen licenses received by the sheriff shall be deposited by the  
72 sheriff into a concealed weapons license administration fund. The fund shall be administered by  
73 the sheriff and shall take the form of an interest-bearing account with any interest earned to be

74 compounded to the fund. Any funds deposited in this concealed weapon license administration  
75 fund are to be expended by the sheriff to pay the costs associated with issuing concealed  
76 weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended  
77 for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff  
78 considers appropriate.

79 (2) Fifteen dollars of the nonresident license application fee shall be deposited in the  
80 Courthouse Facilities Improvement Fund created by §29-26-6 of this code; \$25 of the application  
81 fee shall be deposited into the State Treasury and credited to the account of the State Police for  
82 the purchase of vehicles, equipment for vehicles, and maintenance of vehicles; and \$60 of the  
83 application fee shall be deposited in the concealed weapons license administration fund to be  
84 administered as provided in subsection (d) of this section.

85 (e) All persons applying for a license shall complete a training course in handling and firing  
86 a handgun, which includes the actual live firing of ammunition by the applicant. The successful  
87 completion of any of the following courses fulfills this training requirement: *Provided*, That the  
88 completed course includes the actual live firing of ammunition by the applicant:

89 (1) Any official National Rifle Association, United States Concealed Carry Association, or  
90 other equivalent organization's handgun safety or training course;

91 (2) Any handgun safety or training course or class available to the general public offered by  
92 an official law-enforcement organization, community college, junior college, college, or private or  
93 public institution or organization, or handgun training school using instructors certified by the  
94 institution;

95 (3) Any handgun training or safety course or class conducted by a handgun instructor  
96 certified as such by the state or by the National Rifle Association, United States Concealed Carry  
97 Association, or other equivalent organizations;

98 (4) Any handgun training or safety course or class conducted by any branch of the United  
99 States military, reserve, or National Guard, or proof of other handgun qualification received while

100 serving in any branch of the United States military, reserve, or National Guard.

101 A photocopy of a certificate of completion of any of the courses or classes or an affidavit  
102 from the instructor, school, club, organization, or group that conducted or taught the course or  
103 class attesting to the successful completion of the course or class by the applicant or a copy of any  
104 document which shows successful completion of the course or class is evidence of qualification  
105 under this section and shall include the instructor's name, signature, and NRA or state instructor  
106 identification number, or United States Concealed Carry Association, the USCCA instructor's  
107 name, signature, and instructor number or state instructor identification number, or another  
108 equivalent organization, their instructor's name, signature, and instructor number or state  
109 instructor identification number, if applicable.

110 (f) All concealed weapons license applications must be notarized by a notary public duly  
111 licensed under §39-4-1 *et seq.* of this code. Falsification of any portion of the application  
112 constitutes false swearing and is punishable under §61-5-2 of this code.

113 (g) The sheriff shall issue a license unless he or she determines that the application is  
114 incomplete, that it contains statements that are materially false or incorrect, or that applicant  
115 otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue,  
116 or deny the license within 45 days after the application is filed if all required background checks  
117 authorized by this section are completed.

118 (h) A license in effect as of the effective date of the amendments to this section enacted  
119 during the 2019 regular session of the Legislature shall, subject to revocation for cause, be valid  
120 until the licensee's birthday during the fifth year from the date of issuance or five years from the  
121 date of issuance, whichever is later in time. Renewals of such licenses and licenses newly issued  
122 after the effective date of the amendments to this section enacted during the 2019 regular session  
123 of the Legislature, subject to revocation for cause, are valid for a period of five years from the  
124 licensees' most recent birthday.

125 (i) Each license shall contain the full name and address of the licensee and a space upon

126 which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign  
127 and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a  
128 duplicate license card, in size similar to other state identification cards and licenses, suitable for  
129 carrying in a wallet, and the license card is considered a license for the purposes of this section. All  
130 duplicate license cards issued on or after July 1, 2017, shall be uniform across all 55 counties in  
131 size, appearance, and information and shall feature a photograph of the licensee.

132 (j) The Superintendent of the West Virginia State Police, in cooperation with the West  
133 Virginia Sheriffs' Bureau of Professional Standards, shall prepare uniform applications for both  
134 resident and nonresident licenses and license cards showing that the license has been granted  
135 and shall do any other act required to be done to protect the state and see to the enforcement of  
136 this section.

137 (k) If an application is denied, the specific reasons for the denial shall be stated by the  
138 sheriff denying the application. Any person denied a license may file, in the circuit court of the  
139 county in which the application was made, a petition seeking review of the denial. The petition  
140 shall be filed within 30 days of the denial. The court shall then determine whether the applicant is  
141 entitled to the issuance of a license under the criteria set forth in this section. The applicant may be  
142 represented by counsel, but in no case is the court required to appoint counsel for an applicant.  
143 The final order of the court shall include the court's findings of fact and conclusions of law. If the  
144 final order upholds the denial, the applicant may file an appeal in accordance with the Rules of  
145 Appellate Procedure of the Supreme Court of Appeals. If the findings of fact and conclusions of  
146 law of the court fail to uphold the denial, the applicant may be entitled to reasonable costs and  
147 attorney's fees, payable by the sheriff's office which issued the denial.

148 (l) If a license is lost or destroyed, the person to whom the license was issued may obtain a  
149 duplicate or substitute license for a fee of \$5 by filing a notarized statement with the sheriff  
150 indicating that the license has been lost or destroyed.

151 (m) Whenever an applicant or licensee relocates from the address provided in his or her

152 application to another address, he or she shall comply with the following notification requirements:

153 (1) Within 20 days of a resident licensee relocating from the address provided in his or her  
154 application to another county in the state, he or she shall provide written notification of the  
155 relocation to the sheriff of the county to which he or she moved and provide his or her new  
156 address. The sheriff shall then issue a new resident license bearing the licensee's new address  
157 and the original expiration date, for a fee not to exceed \$5. The license remains valid for the  
158 remainder of the original five-year term, unless the sheriff has determined that the person is no  
159 longer eligible for a concealed weapon license under the provisions of this article.

160 (2) Within 20 days of a resident licensee relocating from the address provided in his or her  
161 application to an address outside the state, he or she shall provide written notification to the sheriff  
162 of the issuing county of the relocation and provide his or her new address. The sheriff shall then  
163 issue a new nonresident license bearing the licensee's new address and the original expiration  
164 date, for a fee not to exceed \$5. The license remains valid for the remainder of the original five-  
165 year term unless the sheriff has determined that the person is no longer eligible for a concealed  
166 weapon license under the provisions of this article: *Provided*, That any renewal of the license in the  
167 new jurisdiction after expiration requires the payment of a nonresident license fee.

168 (3) Within 20 days of a nonresident licensee relocating from the address provided in his or  
169 her application to another address outside of the state, he or she shall provide written notification  
170 of the relocation to the sheriff of the issuing county and provide his or her new address. The sheriff  
171 shall then issue a new nonresident license bearing the licensee's new address and original  
172 expiration date, for a fee not to exceed \$5. This license remains valid for the remainder of the  
173 original five-year term, unless the sheriff has determined that the person is no longer eligible for a  
174 concealed weapon license under the provisions of this article.

175 (4) Within 20 days of a nonresident licensee relocating to West Virginia from the address  
176 provided in his or her application, he or she shall provide written notification of the relocation to the  
177 sheriff of the county to which he or she has moved and provide his or her new address. The sheriff



178 shall then issue a new resident license bearing the licensee's new address and the original  
179 expiration date, for a fee not to exceed \$5. This license remains valid for the remainder of the  
180 original five-year term, unless the sheriff has determined that the person is no longer eligible for a  
181 concealed weapon license under the provisions of this article.

182 (n) The sheriff shall, immediately after the license is granted under this section furnish the  
183 Superintendent of the West Virginia State Police a certified copy of the approved application. The  
184 sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so  
185 requested a certified list of all licenses issued in the county. The Superintendent of the West  
186 Virginia State Police shall maintain a registry of all persons who have been issued concealed  
187 weapons licenses.

188 (o) The sheriff shall deny any application or revoke any existing license upon determination  
189 that any of the licensing application requirements established in this section have been violated by  
190 the licensee.

191 (p) A person who is engaged in the receipt, review, or in the issuance or revocation of a  
192 concealed weapon license does not incur any civil liability as the result of the lawful performance  
193 of his or her duties under this article.

194 (q) Notwithstanding subsection (a) of this section, with respect to application for a resident  
195 license by an honorably discharged veteran of the armed forces of the United States, reserve, or  
196 National Guard, or a former law-enforcement officer honorably retired from agencies governed by  
197 §7-14-1 *et seq.* of this code, §8-14-1 *et seq.* of this code, §15-2-1 *et seq.* of this code, and §20-7-1  
198 *et seq.* of this code, an honorably retired officer or an honorably discharged veteran of the armed  
199 forces of the United States, reserve, or National Guard, is exempt from payment of fees and costs  
200 as otherwise required by this section. All other application and background check requirements  
201 set forth in this section are applicable to these applicants.

202 (r) Information collected under this section, including applications, supporting documents,  
203 permits, renewals, or any other information that would identify an applicant for, or holder of, a

204 concealed weapon license, is confidential: *Provided*, That this information may be disclosed to a  
205 law-enforcement agency or officer: (i) To determine the validity of a license; (ii) to assist in a  
206 criminal investigation or prosecution; or (iii) for other lawful law-enforcement purposes. A person  
207 who violates this subsection is guilty of a misdemeanor and, upon conviction, shall be fined not  
208 less than \$50 or more than \$200 for each offense.

209 (s) A person who pays fees for training or application pursuant to this article after the  
210 effective date of this section is entitled to a tax credit equal to the amount actually paid for training  
211 not to exceed \$50: *Provided*, That if such training was provided for free or for less than \$50, then  
212 such tax credit may be applied to the fees associated with the initial application.

213 (t) Except as restricted or prohibited by the provisions of this article or as otherwise  
214 prohibited by law, the issuance of a concealed weapon license issued in accordance with the  
215 provisions of this section authorizes the holder of the license to carry a concealed pistol or revolver  
216 on the lands or waters of this state.

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NOTE: The purpose of this bill is to codify the USCCA to provide concealed carry classes in West Virginia.

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