



# **ON THE MARK**

## **A GUIDE TO CONCEALED HANDGUN LAWS IN WEST VIRGINIA**

**JULY 2017**

**FROM THE OFFICE OF THE  
WEST VIRGINIA ATTORNEY GENERAL**

**[www.wvago.gov](http://www.wvago.gov)**

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# Message from the Office of the West Virginia Attorney General

The Office of the Attorney General has prepared this booklet to assist West Virginians in learning about state concealed handgun laws and the other states which recognize your West Virginia license.

Please remember that firearm laws are not governed solely by West Virginia law. You must comply with any applicable federal, state, or local laws and regulations, not all of which are contained in this booklet. Also, when traveling to another state, you must comply with the applicable firearm laws of that state.

Both optional concealed handgun licenses and mandatory provisional concealed handgun licenses referenced herein are issued by the sheriff's office in your county of residence. A list of those offices is contained herein.

The information in this booklet is subject to changes in state law. You can always find the most up-to-date information on our website at [www.wvago.gov](http://www.wvago.gov).

# Types of Concealed Handgun Licenses

West Virginia recognizes the right of non-prohibited persons<sup>1</sup> who are 21 years of age or older, regardless of state of residence, to carry a concealed weapon in the state without first obtaining a concealed handgun license (“CHL”). This is known as “constitutional carry.” In addition, the law also allows non-prohibited persons who are at least 18 years of age and less than 21 years of age to obtain a provisional CHL as a lawful means for those persons to carry concealed handguns.<sup>2</sup> These different licenses are explained below.

**IMPORTANT NOTE:** The constitutional carry law applies only to persons physically in the State of West Virginia. It does NOT authorize you to carry a concealed weapon in another state without a license. You MUST obey all weapons laws of other states to which you travel, including all laws regarding licensing and prohibited places.

## OPTIONAL CHL

With constitutional carry, non-prohibited persons 21 years or older are not required to obtain a CHL in order to legally carry a concealed firearm in West Virginia. However, CHLs may be obtained by those persons wishing to obtain the benefits of holding a CHL. These benefits include, but are not limited to: carrying a concealed firearm when traveling to other states that honor or recognize a valid West Virginia license; the ability to store a handgun in a locked vehicle on the Capitol Complex; and the ability to store a handgun out of view when picking up or dropping off students on primary and secondary school grounds. See page 6 of this booklet for further restrictions regarding school grounds.

To obtain an optional CHL, you must submit an application to your county sheriff's office, pay all applicable fees, and present proof of handgun safety training. The sheriff must issue the CHL to any applicant who satisfies each of these qualifications, so long as the applicant is not otherwise prohibited by law from possessing a firearm.

West Virginia's concealed carry laws have no impact on your right to openly carry an unconcealed firearm. The law simply recognizes that persons 21 years of age or older who may lawfully carry a firearm may carry their firearm in a concealed manner without a CHL.

## PROVISIONAL CHL

West Virginia residents 18 to 21 years of age who wish to carry a concealed handgun must apply for a provisional CHL.

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<sup>1</sup> The person must also be a United States citizen or legal resident thereof.

<sup>2</sup> Persons between the ages of 18-21 in lawful possession of a firearm are not prohibited from carrying an **unconcealed** firearm without a provisional license as long as the person obeys all other applicable laws and restrictions. See page 6. Federal law prohibits federally-licensed dealers from transferring a handgun or handgun ammunition to a person between the ages of 18-21. For guidance on how to lawfully acquire a handgun, please refer to: <https://www.atf.gov/questions-and-answers/qa/may-individual-between-ages-18-and-21-years-age-acquire-handgun-unlicensed>.

The provisional CHL is only issued for the concealed carry of a pistol or revolver and does not allow you to conceal any other deadly weapons. To obtain a provisional CHL, you must submit your application to your county sheriff's office, pay all applicable fees, and present proof of handgun safety training. If you satisfy each of these qualifications, the sheriff of your county must issue the provisional license.

It is important to note that, unlike persons eligible for an optional CHL, any person under the age of 21 who carries a concealed deadly weapon without a provisional CHL or other lawful authorization is guilty of a misdemeanor that is punishable by incarceration for up to one year and a fine of \$100 to \$1,000 for a first offense. A second conviction is a felony punishable by incarceration for not less than one nor more than five years and a fine of not less than \$1,000 nor more than \$5,000. See W. Va. Code § 61-7-3.

### **APPLICATION FEES**

In addition to completing an application, applicants for both optional and provisional CHLs must pay all required fees. The fee for an optional license application is \$75.00 payable to the sheriff's office and \$25.00 to the West Virginia State Police for the criminal background check. For provisional CHLs, the fee is reduced to \$25.00 payable to the sheriff's office and \$15.00 to the West Virginia State Police. A duplicate card, suitable for carrying in a wallet, will be provided to serve as proof of licensure. Although a CHL is issued by the county sheriff, it is a statewide permit.

### **OTHER IMPORTANT INFORMATION**

No license or registration is required for a non-prohibited person to own a handgun or other firearm, or to keep it in their home, place of business or on other real property. Anyone who carries a handgun whether with or without a CHL, or whether openly or concealed, remains subject to all applicable laws and restrictions, examples of which are set forth in this booklet. It is your responsibility to familiarize yourself with areas where firearms are prohibited by law.

Federal law creates exemptions from state CHL laws for qualified active and retired law enforcement officers. Copies of those statutes regarding firearm laws can be found on our website at [www.wvago.gov](http://www.wvago.gov).

While West Virginia law recognizes the rights of law-abiding citizens 21 years of age or older to carry a concealed weapon without first obtaining a license, it also sets forth strict punishments for all persons illegally carrying or possessing firearms. Any person who is prohibited from possessing a firearm and who carries a concealed firearm will be subject to a separate and additional felony offense. Further, and in addition to any and all other offenses provided for under the law, any person who uses or presents a firearm while engaged in the commission of a felony is guilty of a separate and distinct felony offense.

# Obtaining a West Virginia Concealed Handgun License

**An applicant for an optional CHL must be 21 years of age. An applicant for a provisional CHL must be at least 18 years of age and less than 21 years of age. In addition to the application fees, applicants will be required to submit a complete application in writing, duly verified, which sets forth the following licensing requirements:**

- The applicant's full name, date of birth, Social Security number, a description of the applicant's physical features, the applicant's place of birth, the applicant's country of citizenship and, if the applicant is not a United States citizen, any alien or admission number issued by the United States Bureau of Immigration and Customs Enforcement, and any basis, if applicable, for an exception to the prohibitions of 18 U. S. C. 922(g)(5)(B);
- That, on the date the application is made, the applicant is a bona fide United States citizen or legal resident thereof and resident of this state and of the county in which the application is made and has a valid driver's license or other state-issued photo identification showing the residence;
- That the applicant is not addicted to alcohol, a controlled substance or a drug and is not an unlawful user thereof as evidenced by either of the following within the three years immediately prior to the application:
  - (A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug treatment; or
  - (B) Two or more convictions for driving while under the influence or driving while impaired;
- That the applicant has not been convicted of a felony unless the conviction has been expunged or set aside or the applicant's civil rights have been restored or the applicant has been unconditionally pardoned for the offense;
- That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subdivision (a)(7) of either W.Va. Code § 61-7-4 or 61-7-4a in the five years immediately preceding the application;
- That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U. S. C. 921(a)(33), or a misdemeanor offense of assault or battery either under W.Va. Code § 61-2-28 or 61-2-9 (b) or (c) in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense, or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;

- That the applicant is not under indictment for a felony offense or is not currently serving a sentence of confinement, parole, probation or other court-ordered supervision imposed by a court of any jurisdiction or is the subject of an emergency or temporary domestic violence protective order or is the subject of a final domestic violence protective order entered by a court of any jurisdiction;
- That the applicant has not been adjudicated to be mentally incompetent or involuntarily committed to a mental institution. If the applicant has been adjudicated mentally incompetent or involuntarily committed the applicant must provide a court order reflecting that the applicant is no longer under such disability and the applicant's right to possess or receive a firearm has been restored;
- That the applicant is not prohibited under the provisions W.Va. Code § 61-7-7 or federal law, including 18 U. S. C. 922(g) or (n), from receiving, possessing or transporting a firearm;
- That the applicant has qualified under the minimum requirements set forth in subsection (d) of either W.Va. Code § 61-7-4 or 61-7-4a for handling and firing the weapon; and
- That the applicant authorizes the sheriff of the county, or his or her designee, to conduct an investigation relative to the information contained in the application.

The sheriff will have 45 days from the date of application to act on the application, provided all required background checks have been completed.

W. Va. Code §§ 61-7-4(f), 61-7-4a(f).

You may obtain a downloadable application for a West Virginia CHL by going to the Attorney General's website at [www.wvago.gov](http://www.wvago.gov) and clicking on the "Gun Reciprocity" link.

# Locations in West Virginia Where Firearms Are Restricted or Forbidden

Except as noted, firearms, concealed or otherwise, are forbidden by law in the following locations in West Virginia:

1. Federal government properties or other places where firearms are prohibited by federal law. This includes areas of restricted access in airports.
2. Any real property where firearms are prohibited by the owner, lessee, or other person charged with the care, custody, and control of the property.<sup>3</sup>
3. The State Capitol Complex.<sup>4</sup>
4. Regional jails, detention facilities, or State Division of Corrections facilities.
5. County courthouses or any facility housing a court of this state.
6. A school bus or any public primary or secondary education building, structure, facility or grounds including a vocational education building, structure, facility or grounds where secondary vocational education programs are conducted or at a school-sponsored function, or in or on a private primary or secondary education building, structure or facility unless such private institution has adopted written policies allowing for possession of firearms.<sup>5</sup>
7. Any building or area limited by municipal code.<sup>6</sup>

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<sup>3</sup> While it is not a crime to carry a firearm onto property where firearms are otherwise prohibited by the owner, lessee or other person charged with care, custody and control thereof, refusal to relinquish the weapon or refusal to leave the premises upon request while in possession of a firearm or other deadly weapon is a misdemeanor punishable by up to one thousand dollars and/or up to six months in jail. There is no requirement in the law that such property be posted as a “no gun” area. These provisions only apply to property where firearms are not otherwise prohibited by law.

<sup>4</sup> A person who holds a valid, current CHL issued by a sheriff of this state or the appropriate authority of another jurisdiction may keep a firearm in his or her motor vehicle upon the State Capitol Complex if the vehicle is locked and the weapon is out of normal view.

<sup>5</sup> This provision does not apply to: a person who, as otherwise permitted by the provisions of W. Va. Code § 61-7-1 et seq., possesses an unloaded firearm in a motor vehicle or leaves an unloaded firearm in a locked motor vehicle; or a person, twenty-one years old or older, who has a valid CHL possessing a concealed handgun while in a motor vehicle in a parking lot, traffic circle or other area of vehicular ingress or egress to a public school, provided that when he or she is occupying the vehicle the person stores the handgun out of view from persons outside the vehicle, or when he or she is not occupying the vehicle the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a locked trunk, glove box or other interior compartment, or in a locked container securely fixed to the vehicle.

<sup>6</sup> Municipalities may have further handgun restrictions in municipal code. Before carrying a weapon in a West Virginia municipality, it is recommended that you inquire as to such laws with the appropriate city attorney's office.

# Firearms In State Parks and Other State Areas

In addition to certain firearms in hunting related situations, self-defensive firearms are permitted by law in all state parks, state forests, state wildlife management areas and state rail trails as set forth below:

1. A person may carry a handgun for self-defense who is not prohibited from possessing firearms under state or federal law;
2. A person may carry a rifle or shotgun for self-defense who is not prohibited from possessing firearms under state or federal law. However, rifles or shotguns carried in state park, state forest, or state wildlife management area recreational facilities and on marked trails within state park or state forest borders must be carried in a case.

Some state parks or other state areas may be located on property owned by the U.S. Corps of Engineers. With very limited hunting exceptions, all firearms are prohibited on Corps of Engineers property. For more information as to whether a particular area is owned by the Corps of Engineers, please visit their website at <https://www.recreation.gov>. For more information on carrying firearms in state parks, please contact the West Virginia Division of Natural Resources or visit their website at <http://www.wvstateparks.com>.

## **IMPORTANT NOTE:**

When carrying a firearm, you must do so not only in compliance with the laws regarding restrictions of where you can carry the firearm. You must also comply with criminal laws governing the lawful means of how to carry the firearm. For example, it is unlawful for any person armed with a firearm or other deadly weapon, whether lawfully carried or not, to carry, brandish or use such a weapon in a way or manner to cause or threaten a breach of the peace. See W.Va. Code § 61-7-11. Not all criminal laws related to firearms are contained in this booklet. It is your responsibility to familiarize yourself with the lawful means of carrying a firearm.

# CHL Reciprocity and Recognition

“Reciprocity” of CHLs occurs when two states enter a written agreement to mutually permit their respective citizens to travel to the other state and lawfully carry a concealed handgun. If West Virginia has a written reciprocity agreement with another state, it means a West Virginia CHL<sup>7</sup> will be honored as valid in that state, and that state’s CHLs will be honored as valid in West Virginia pursuant to the terms of the written agreement.

“Recognition” of West Virginia CHLs means that another state will recognize a West Virginia CHL as valid in that state without the necessity of a written reciprocity agreement. This recognition may or may not be mutual; meaning CHLs from some states may not be recognized in West Virginia despite that state’s recognition of a West Virginia CHL. For mutual recognition to occur, the West Virginia Attorney General must receive official notification from the Governor of the other state that West Virginia CHLs are recognized in that state.

Finally, there are states like West Virginia with constitutional carry laws that allow anyone who can legally possess a firearm to carry a concealed firearm without a CHL subject to the restrictions defined in the respective state’s law, as well as local restrictions, regardless of that person’s state of residence.<sup>8</sup> Currently, those states that have adopted this framework are Alaska, Arizona, Kansas, Maine, Mississippi, Missouri, New Hampshire and Vermont. Some of these states also recognize West Virginia CHLs, which may provide benefits to the licensee not available to persons carrying without a license. Please check with the proper authority in those states for more information.

**You can obtain up-to-date information on reciprocity and recognition of your West Virginia CHL by visiting our website at [www.wvago.gov](http://www.wvago.gov) under the “Gun Reciprocity” tab.**

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NOTE: When in another state it is very important to remember that all West Virginia citizens are subject to the laws of that other state, including any restrictions related to locations where firearms are prohibited or limited. Please check with law enforcement in the state or states in which you will be traveling, links for which are included on our website at [www.wvago.gov](http://www.wvago.gov). It is your responsibility to know the laws of the jurisdiction in which you are carrying a concealed deadly weapon.

<sup>7</sup> As of this writing, **of the states which recognize a West Virginia CHL, 16 of those states also recognize a provisional CHL.** This office continues to seek a determination with other states as to whether a provisional CHL will be honored or recognized in those states. For up-to-date information as to current recognition, please visit <http://www.wvago.gov>.

<sup>8</sup> Some states, such as Idaho, North Dakota and Wyoming, also have different forms of resident-only permitless concealed carry law which allows only residents of the respective states to carry a concealed weapon without first obtaining a license.

# Relevant Provisions of State Law

## **W. Va. Constitution, Article III, Section 22.**

A person has the right to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use.

## **W. Va. Code § 61-7-3. Carrying a deadly weapon without provisional license or other authorization by persons under twenty-one years of age; penalties.**

(a) Any person under twenty-one years of age and not otherwise prohibited from possessing firearms under section seven of this article who carries a concealed deadly weapon, without a state license or other lawful authorization established under the provisions of this code, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 and may be imprisoned in jail for not more than twelve months for the first offense; but upon conviction of a second or subsequent offense, he or she is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one nor more than five years and fined not less than \$1,000 nor more than \$5,000.

(b) The prosecuting attorney in all cases shall ascertain whether or not the charge made by the grand jury is a first offense or is a second or subsequent offense and, if it is a second or subsequent offense, it shall be so stated in the indictment returned, and the prosecuting attorney shall introduce the record evidence before the trial court of such second or subsequent offense and may not be permitted to use discretion in introducing evidence to prove the same on the trial.

## **W. Va. Code § 61-7-4. License to carry deadly weapons; how obtained.**

W. Va. Code § 61-7-4 sets forth the requirements for obtaining a CHL. To review the provisions set forth in § 61-7-4, please view the Office of the Attorney General's handbook on state firearm laws, which can be found at [www.wvago.gov](http://www.wvago.gov) under the "Gun Reciprocity" tab.

## **W. Va. Code § 61-7-4a. Provisional license to carry deadly weapons; how obtained.**

West Virginia Code § 61-7-4a sets forth the requirements for obtaining a provisional CHL. To review all of the provisions set forth therein, which were enacted during the 2016 Legislative Session, please view the Office of the Attorney General's handbook on state firearm laws, which can be found at [www.wvago.gov](http://www.wvago.gov) under the "Gun Reciprocity" tab.

## **W. Va. Code § 61-7-6. Exceptions as to prohibitions against carrying concealed handguns for persons at least eighteen years of age and fewer than twenty-one years of age; exemptions from licensing fees.**

(a) The provisions in section three of this article do not apply to any person at least eighteen years of age and fewer than twenty-one years of age who is:

- (1) Carrying a deadly weapon upon his or her own premises;
- (2) Carrying a firearm, unloaded, from the place of purchase to his or her home, residence or place of business or to a place of repair and back to his or her home,

residence or place of business; or

(3) Possessing a firearm while hunting in a lawful manner or while traveling from his or her home, residence or place of business to a hunting site and returning to his or her home, residence or place of business;

(4) A member of a properly organized target-shooting club authorized by law to obtain firearms by purchase or requisition from this state or from the United States for the purpose of target practice from carrying any pistol, as defined in this article, unloaded, from his or her home, residence or place of business to a place of target practice and from any place of target practice back to his or her home, residence or place of business, for using any such weapon at a place of target practice in training and improving his or her skill in the use of the weapons;

(5) A law-enforcement officer or law-enforcement official or chief executive as defined in section one, article twenty-nine, chapter thirty of this code;

(6) An employee of the West Virginia Division of Corrections duly appointed pursuant to section eleven-c, article one, chapter twenty-five of this code while the employee is on duty;

(7) A member of the United States armed forces, reserve or National Guard;

(8) A resident of another state who holds a valid permit or license to possess or carry a handgun issued by a state or a political subdivision subject to the provisions and limitations set forth in section six-a of this article;

(9) A federal law-enforcement officer or federal police officer authorized to carry a weapon in the performance of the officer's duty; and

(10) A parole officer appointed pursuant to section fourteen, article twelve, chapter sixty-two of this code in the performance of his or her duties.

(b) The following judicial officers and prosecutors and staff are exempt from paying any application fees or licensure fees required under this article. However, they shall make application and satisfy all licensure and handgun safety and training requirements to obtain a license as set forth in section four of this article:

(1) Any justice of the Supreme Court of Appeals of West Virginia;

(2) Any circuit judge;

(3) Any retired justice or retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia;

(4) Any family court judge;

(5) Any magistrate;

(6) Any prosecuting attorney;

(7) Any assistant prosecuting attorney; or

(8) Any duly appointed investigator employed by a prosecuting attorney.

### **W. Va. Code § 61-7-6a. Reciprocity and recognition; out-of-state concealed handgun permits.**

(a) A valid out-of-state permit or license to possess or carry a handgun is valid in this state for the carrying of a concealed handgun, if the following conditions are met:

(1) The permit or license holder is twenty-one years of age or older;

(2) The permit or license is in his or her immediate possession;

(3) The permit or license holder is not a resident of the State of West Virginia; and

(4) The Attorney General has been notified by the Governor of the other state that the other state allows residents of West Virginia who are licensed in West Virginia to carry a concealed handgun in that state or the Attorney General has entered into a written reciprocity agreement with the appropriate official of the other state whereby the state agrees to honor West Virginia concealed handgun licenses in return for same treatment in this state.

(b) A holder of a valid permit or license from another state who is authorized to carry a concealed handgun in this state pursuant to provisions of this section is subject to the same laws and restrictions with respect to carrying a concealed handgun as a resident of West Virginia who is so permitted and must carry the concealed handgun in compliance with the laws of this state.

(c) A license or permit from another state is not valid in this state if the holder is or becomes prohibited by law from possessing a firearm.

(d) The West Virginia Attorney General shall seek to obtain recognition of West Virginia concealed handgun licenses and enter into and execute reciprocity agreements on behalf of the State of West Virginia with states for the recognition of concealed handgun permits issued pursuant to this article.

(e) The West Virginia State Police shall maintain a registry of states with which the State of West Virginia has entered into reciprocity agreements or which recognize West Virginia concealed handgun licenses on the criminal information network and make the registry available to law-enforcement officers for investigative purposes.

(f) Every twelve months after the effective date of this section, the West Virginia Attorney General shall make written inquiry of the concealed handgun licensing or permitting authorities in each other state as to:

(i) Whether a West Virginia resident may carry a concealed handgun in their state based upon having a valid West Virginia concealed handgun permit; and (ii) whether a West Virginia resident may carry a concealed handgun permit, pursuant to the laws of that state or by the execution of a valid reciprocity agreement between the states.

(g) The West Virginia State Police shall make available to the public a list of states which have entered into reciprocity agreements with the State of West Virginia or that allow residents of West Virginia who are licensed in West Virginia to carry a concealed handgun to carry a concealed handgun in that state.

**W. Va. Code § 61-7-7. Persons prohibited from possessing firearms; classifications; right of nonprohibited persons over twenty-one years of age to carry concealed deadly weapons; offenses and penalties; reinstatement of rights to possess; offenses; penalties.**

(a) Except as provided in this section, no person shall possess a firearm, as such is defined in section two of this article, who:

- (1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (2) Is habitually addicted to alcohol;
- (3) Is an unlawful user of or habitually addicted to any controlled substance;

(4) Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of chapter twenty-seven of this code or in similar law of another jurisdiction: Provided, That once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession: Provided, however, That the mental hygiene commissioner or circuit judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

(5) Is an alien illegally or unlawfully in the United States;

(6) Has been discharged from the armed forces under dishonorable conditions;

(7) Is subject to a domestic violence protective order that:

(A) Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

(B) Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(i) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(8) Has been convicted of a misdemeanor offense of assault or battery either under the provisions of section twenty-eight, article two of this chapter or the provisions of subsection (b) or (c), section nine of said article or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

Any person who violates the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined in the county jail for not less than ninety days nor more than one year, or both.

(b) Notwithstanding the provisions of subsection (a) of this section, any person:

(1) Who has been convicted in this state or any other jurisdiction of a felony crime of violence against the person of another or of a felony sexual offense; or

(2) Who has been convicted in this state or any other jurisdiction of a felony controlled substance offense involving a Schedule I controlled substance other than marijuana, a Schedule II or a Schedule III controlled substance as such are defined in sections two hundred four, two hundred five and two hundred six, article two,

chapter sixty-a of this code and who possesses a firearm as such is defined in section two of this article shall be guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not more than five years or fined not more than \$5,000, or both. The provisions of subsection (f) of this section shall not apply to persons convicted of offenses referred to in this subsection or to persons convicted of a violation of this subsection.

(c) Any person may carry a concealed deadly weapon without a license therefor who is:

(1) At least twenty-one years of age;

(2) A United States citizen or legal resident thereof;

(3) Not prohibited from possessing a firearm under the provisions of this section; and

(4) Not prohibited from possessing a firearm under the provisions of 18 U. S. C. §922(g) or (n).

(d) As a separate and additional offense to the offense provided for in subsection (a) of this section, and in addition to any other offenses outlined in this code, and except as provided by subsection (e) of this section, any person prohibited by subsection (a) of this section from possessing a firearm who carries a concealed firearm is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not more than three years or fined not more than \$5,000, or both.

(e) As a separate and additional offense to the offense described in subsection (b) of this section, and in addition to any other offenses outlined in this code, any person prohibited by subsection (b) of this section from possessing a firearm who carries a concealed firearm is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not more than ten years or fined not more than \$10,000, or both.

(f) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: Provided, That a person prohibited from possessing a firearm by the provisions of subdivision (4), subsection (a) of this section may petition to regain the ability to possess a firearm in accordance with the provisions of section five, article seven-a of this chapter.

(g) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

# Frequently Asked Questions

**Q: Is a license required to carry a concealed handgun in West Virginia?**

A: No, CHLs are optional, so long as the person is at least 21 years of age or older, is not prohibited from possessing a firearm, and is an United States citizen or legal resident thereof. Persons between 18 and 21 years of age must obtain a provisional CHL to lawfully carry a concealed handgun without some other lawful authorization.

Additional exemptions from the state's licensing requirements are set forth in W. Va. Code § 61-7-6, which is contained on pages 9-10 of this booklet.

**Q: Is there any benefit to obtaining an optional CHL if I am not required to do so?**

A: Yes, a valid optional CHL will allow you to lawfully carry a handgun in any state which honors or recognizes West Virginia CHLs. In addition, a valid optional West Virginia CHL qualifies as an alternative to the NICS background check when purchasing a firearm. Persons with valid West Virginia CHLs are also permitted to possess a concealed firearm in a locked motor vehicle on the Capitol Complex, in certain municipal areas where a CHL is required, and on certain school grounds. See page 6 for further restrictions on these areas.

**Q: Will my provisional CHL be recognized by other states?**

A: As of this writing, 16 states recognize a provisional CHL. This office continues to seek a determination with other states as to whether a provisional CHL will be honored or recognized in those states. For up-to-date information as to current recognition, please visit <http://www.wvago.gov>.

**Q: How long is a concealed handgun license valid?**

A: Optional CHLs are valid for 5 years from the date of issuance, unless revoked prior to that, and are valid throughout the state during the five-year period. Provisional CHLs are valid throughout the state until the licensee turns 21 years of age.

**Q: Can my license be revoked?**

A: Yes, your license will be revoked if you violate or otherwise become unable to meet any of the licensing application requirements. You must immediately surrender your license to the issuing sheriff when you become ineligible for continued licensure.

**Q: What should I do if my license is lost or destroyed?**

A: You may obtain a duplicate or substitute license for a fee of \$5.00 by filing a notarized statement with the issuing sheriff indicating that your license has been lost or destroyed.

**Q: How much does a license cost?**

A: For an optional CHL for persons 21 years of age or older, the cost is \$75.00 and is paid to the sheriff at the time you apply. If your application is approved, you must pay

an additional \$25.00 prior to issuance of the license for the State Police background check. For provisional CHLs, those fees are reduced to \$25.00 to the sheriff and \$15.00 to the State Police.

**Q: What are the training requirements to obtain a license?**

A: To apply for an optional or provisional CHL, you must present evidence that you have successfully completed one of the following training courses:

- 1) Any official NRA handgun safety or training course;
- 2) Any handgun safety or training course or class available to the general public offered by an official law-enforcement organization, community college, junior college, college or private or public institution or organization or handgun training school utilizing instructors certified by the institution;
- 3) Any handgun safety or training course or class conducted by a handgun instructor certified by the State or by the NRA; or
- 4) For optional CHLs only, any handgun training or safety course or class conducted by any branch of the United States military, reserve or National Guard or proof of other handgun qualification received while serving in any branch of the United States military, reserve or National Guard. For provisional CHLs, any proof of current or former service in the United States armed forces, reserves or National Guard.

An applicant must present a photocopy of a certificate of course completion, an affidavit from the instructor, or some other document which verifies successful training course completion in order to obtain a CHL. The document shall include the instructor's name, signature and NRA or state instructor identification number, if applicable.

**Q: Is live fire of a handgun required for completion of my training?**

A: Yes, in order to satisfy the handgun safety and training course requirement, proof of actual live firing of ammunition by the applicant is required.

**Q: Do West Virginia CHLs qualify as an alternative to a National Instant Criminal Background Check System (NICS) check under the Brady Law, 18 U.S.C. Section 922(t)?**

A: Optional CHLs issued on or after June 4, 2014 qualify as an alternative to a NICS Background Check. Provisional CHLs will not qualify, and will be clearly marked that the provisional CHL is not NICS exempt.  
See W. Va. Code § 61-7-4a(h).

**Q: What do I do when my optional concealed handgun license has expired?**

A: If you wish to renew your optional CHL, you may apply to the sheriff in your county of residence and pay the applicable fees. Provided all licensure requirements are met, the sheriff will issue you a new license. The training course requirements are waived for renewal applicants who previously qualified.

**Q: Where can I apply for a concealed handgun license?**

A: At the office of the sheriff in your county of residence. A list of sheriffs' offices is in this booklet.

# West Virginia County Sheriffs' Offices

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Barbour County Sheriff  
Philip Ferguson  
26 N. Main St., Ste. 1  
Philippi, WV 26416  
304-457-2881

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Berkeley County Sheriff  
Curtis Keller  
510 S. Raleigh St.  
Martinsburg, WV 25401  
304-264-1982

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Boone County Sheriff  
Randall White  
206 Court St.  
Madison, WV 25130  
304-369-7342

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Braxton County Sheriff  
Eddie Williams  
P.O. Box 546  
Sutton, WV 26601  
304-765-2838

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Brooke County Sheriff  
Larry C. Palmer, Jr.  
300 Courthouse Sq.  
Wellsburg, WV 26070  
304-737-3660

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Cabell County Sheriff  
Charles "Chuck" Zerkle  
750 Fifth Ave., Rm. 101  
Huntington, WV 25701  
304-526-8663

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Calhoun County Sheriff  
Jeff Starcher  
P.O. Box 340  
Grantsville, WV 26147  
304-354-6333

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Clay County Sheriff  
Donny Triplett  
P.O. Box 429  
Clay, WV 25043  
304-587-4260

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Doddridge County Sheriff  
Michael Headley  
P.O. Box 219  
West Union, WV 26456  
304-873-1944

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Fayette County Sheriff  
Mike Fridley  
P.O. Box 509  
Fayetteville, WV 25840  
304-574-4216

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Gilmer County Sheriff  
Larry Gerwig  
10 Howard St.  
Glenville, WV 26351  
304-462-7441

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Grant County Sheriff  
Brian Ours  
5 Highland Ave.  
Petersburg, WV 26847  
304-257-1818

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Greenbrier County Sheriff  
Bruce Sloan  
P.O. Box 347  
Lewisburg, WV 24901  
304-647-6634

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Hampshire County Sheriff  
John P. Alkire  
66 N. High St., Rm. 2  
Romney, WV 26757  
304-822-3894

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Hancock County Sheriff  
Ralph A. Fletcher  
P.O. Box 458  
New Cumberland, WV 26047  
304-564-3911

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Hardy County Sheriff  
Bryan C. Ward  
206 Washington St.  
Moorefield, WV 26836  
304-530-0220

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Harrison County Sheriff  
Robert Matheny  
301 W. Main St.  
Clarksburg, WV 26301  
304-624-8550

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Jackson County Sheriff  
Anthony Boggs  
P.O. Box 106  
Ripley, WV 25271  
304-373-2280

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Jefferson County Sheriff  
Peter Dougherty  
102 Industrial Blvd.  
Kearneysville, WV 25430  
304-728-3205

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Kanawha County Sheriff  
Mike Rutherford  
301 Virginia St. E.  
Charleston, WV 25301  
304-357-0216

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Lewis County Sheriff  
Adam M. Gissy  
117 Court Ave.  
Weston, WV 26452  
304-269-8251

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Lincoln County Sheriff  
Gary "Butch" Linville  
P.O. Box 467  
Hamlin, WV 25523  
304-824-7999 ext. 227

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Logan County Sheriff  
S.M. Dingess Porter  
300 Stratton St., Rm. 209  
Logan, WV 25601  
304-792-8590

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Marion County Sheriff  
James C. Riffle  
316 Monroe St.  
Fairmont, WV 26554  
304-367-5300

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Marshall County Sheriff  
Kevin Cecil  
601 Seventh St.  
Moundsville, WV 26041  
304-843-1400

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Mason County Sheriff  
Greg Powers  
525 Main St.  
Point Pleasant, WV 25550  
304-675-3838

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McDowell County Sheriff  
Martin West  
90 Wyoming St., Ste. 117  
Welch, WV 24801  
304-436-8523

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| Mercer County Sheriff<br>Tommy T.A. Bailey<br>1501 W. Main St., Ste. 31<br>Princeton, WV 24740<br>304-487-8364/304-487-8384 | Pocahontas County Sheriff<br>Jeff Barlow<br>900 Jail Ln.<br>Marlinton, WV 24954<br>304-799-4445                      | Tyler County Sheriff<br>Brian M Weigle<br>P.O. Box 7<br>Middlebourne, WV 26149<br>304-758-4229                 |
| Mineral County Sheriff<br>Jeremy Taylor<br>100 East St.<br>Keyser, WV 26726<br>304-788-0341 ext. 270                        | Preston County Sheriff<br>Daniel Loughrie<br>103 W. Main St.<br>Kingwood, WV 26537<br>304-329-1611                   | Upshur County Sheriff<br>David Coffman<br>38 W. Main St., Rm. 103<br>Buckhannon, WV 26201<br>304-472-1180      |
| Mingo County Sheriff<br>James Smith<br>P.O. Box 1270<br>Williamson, WV 25661<br>304-235-0300                                | Putnam County Sheriff<br>Steve L. Deweese<br>236 Courthouse Dr., Ste. 8<br>Winfield, WV 25213<br>304-586-0256 opt. 1 | Wayne County Sheriff<br>Rick Thompson<br>700 Hendricks St.<br>Wayne, WV 25570<br>304-272-6378                  |
| Monongalia County Sheriff<br>Perry Palmer<br>116 Walnut St.<br>Morgantown, WV 26505<br>304-291-7260                         | Raleigh County Sheriff<br>Scott Van Meter<br>215 Main St.<br>Beckley, WV 25801<br>304-255-9300                       | Webster County Sheriff<br>David Cutlip<br>2 Court Square, Rm. G-3<br>Webster Springs, WV 26288<br>304-847-2006 |
| Monroe County Sheriff<br>Sean Crosier<br>P.O. Box 350<br>Union, WV 24983<br>304-772-3018                                    | Randolph County Sheriff<br>Mark T. Brady<br>32 Randolph Ave., Ste. 201<br>Elkins, WV 26241<br>304-636-2111           | Wetzel County Sheriff<br>Mike Koontz<br>P.O. Drawer D<br>New Martinsville, WV 26155<br>304-455-2430            |
| Morgan County Sheriff<br>Kim "K.C." Bohrer<br>111 Fairfax St.<br>Berkeley Springs, WV 25411<br>304-258-1067                 | Ritchie County Sheriff<br>Terry Snodgrass<br>109 North St.<br>Harrisville, WV 26362<br>304-643-2262                  | Wirt County Sheriff<br>Travis Corbitt<br>P.O. Box 669<br>Elizabeth, WV 26143<br>304-275-4222                   |
| Nicholas County Sheriff<br>William F. Nunley<br>700 Main St., Ste. 3<br>Summersville, WV 26651<br>304-872-7880              | Roane County Sheriff<br>Todd Cole<br>200 Main St.<br>Spencer, WV 25276<br>304-927-2540/304-927-3410                  | Wood County Sheriff<br>Steve Stephens<br>401 Second St.<br>Parkersburg, WV 26101<br>304-424-1834               |
| Ohio County Sheriff<br>Tom Howard<br>51 16 <sup>th</sup> St.<br>Wheeling, WV 26003<br>304-234-3792                          | Summers County Sheriff<br>Garry E. Wheeler<br>123 Temple St.<br>Hinton, WV 25951<br>304-466-7111                     | Wyoming County Sheriff<br>C.S. "Sherrill" Parker<br>P.O. Box 529<br>Pineville, WV 24874<br>304-732-8000        |
| Pendleton County Sheriff<br>Donald L. Hedrick<br>P.O. Box 687<br>Franklin, WV 26807<br>304-358-2214                         | Taylor County Sheriff<br>Terry A. Austin<br>214 W. Main St.<br>Grafton, WV 26354<br>304-265-3428                     |  |
| Pleasants County Sheriff<br>D. Wayne Wilson II<br>305 Barkwill St.<br>St. Marys, WV 26170<br>304-684-2285                   | Tucker County Sheriff<br>Brian K. Wilfong<br>215 First St.<br>Parsons, WV 26287<br>304-478-2321                      |  |



**Office of the Attorney General  
State Capitol Complex, Bldg. 1, Room E-26  
Charleston, WV 25305  
Phone: 304-558-2021**