

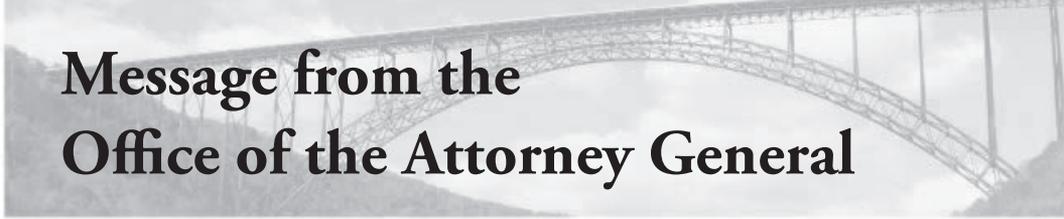
# **On The Mark :**

## **A Guide to Concealed Handgun Laws in West Virginia**

**From the Office of the  
West Virginia Attorney General**

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# Message from the Office of the 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.

As laws are subject to change, up-to-date information is available on our website at [www.wvago.gov](http://www.wvago.gov).

Please remember that handgun 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.

Concealed handgun licenses are issued by the sheriff's office in each county. A list of those offices is contained herein.

# License to Carry a Concealed Handgun

A person who wishes to carry a concealed handgun must obtain a license (a concealed handgun license or “CHL”). A CHL is not required for a person to own a handgun, keep it in his or her home, place of business, or other real property. Licenses to carry a concealed handgun may be obtained from the sheriff of the county in which the applicant is a resident.

Carrying a concealed handgun without a CHL or other lawful authorization is a misdemeanor 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 between one and five years and a fine of between \$1,000 and \$5,000. *W. Va. Code § 61-7-3*. Federal law creates exemptions from state CHL laws for active and certain retired law enforcement officers. Copies of the statutes regarding firearm laws can be found at <http://www.ago.wv.gov/gunreciprocity/Pages/default.aspx>.

An applicant for a concealed handgun license must complete an application form. The fees associated with a license application are \$75.00 payable to the sheriff's office and \$25.00 to the West Virginia State Police for the criminal background check. One may often obtain a laminated wallet size copy of the license through the sheriff's office. Fees for this vary. Although a CHL is issued by the county sheriff, it is a statewide permit.

People carrying deadly weapons, whether concealed or unconcealed, are subject to all applicable laws and restrictions set forth in summary form on page 6 of this booklet. No license is necessary if a person wishes to visibly carry a handgun or transport it in a motor vehicle if the person may lawfully possess a firearm. However, a person may not carry a loaded handgun concealed on his or her body or in a motor vehicle unless he or she possesses a valid West Virginia CHL or a valid CHL from a reciprocal state.

For information about police recommendations regarding transport of concealed and unconcealed weapons in motor vehicles, please refer to <http://www.wvsp.gov/about/Pages/LegalDivisionFAQs.aspx>.

For information about carrying hunting weapons, please refer to the West Virginia Division of Natural Resources regulations, which may be found at any DNR office or online at [http://www.wvdnr.gov/hunting/hunting\\_regs.shtm](http://www.wvdnr.gov/hunting/hunting_regs.shtm).

# Obtaining a West Virginia Concealed Handgun License

**An applicant for a concealed handgun license must meet the following requirements:**

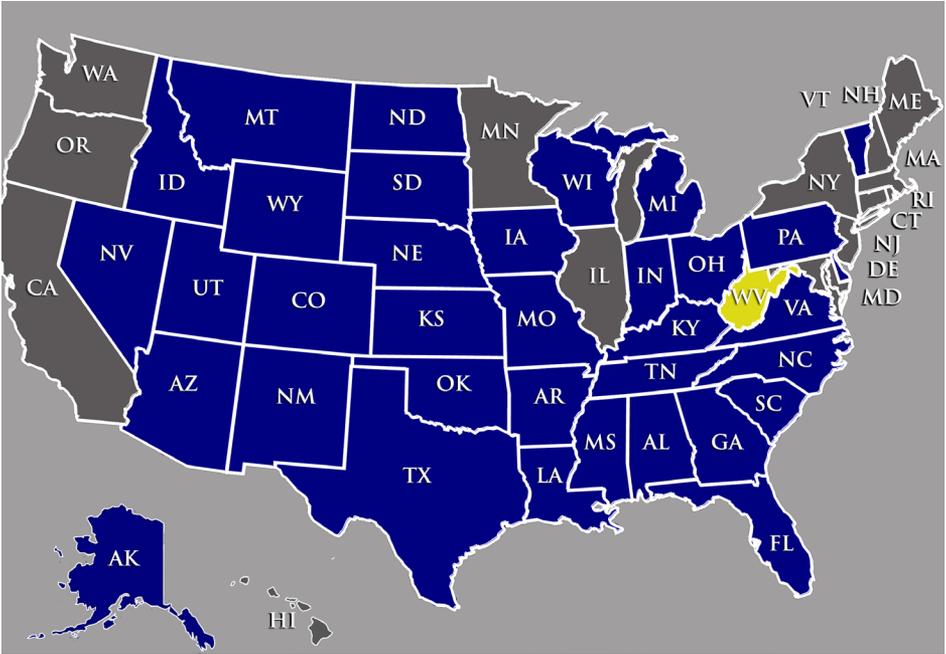
- Must be 21 years of age or older and a resident of the county of application and, if a foreign national, must be a legal alien;
- Must not be addicted to alcohol, a controlled substance, or a drug, and must not be an unlawful user thereof;
- Must not have been convicted of a felony, unless the conviction 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;
- Must not have been convicted of a misdemeanor crime of violence, other than an offense set forth in *W. Va. Code § 61-7-4(a)(7)*, in the five years immediately preceding the application;
- Must not have been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33), or a misdemeanor offense with similar essential elements under either West Virginia law or the law of another jurisdiction, at any time;
- Must not be under indictment for a felony offense or currently serving a sentence of confinement, parole, probation, or other court-ordered supervision imposed by a court of any jurisdiction, and must not be the subject of an emergency or temporary domestic violence protective order or the subject of a final domestic violence protective order entered by a court of any jurisdiction;
- Must not have been adjudicated mentally incompetent or have been involuntarily committed to a mental institution, unless the applicant can 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; and,
- Must have successfully completed a handgun training program meeting the requirements of *W. Va. Code § 61-7-4*.

The sheriff has 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)*.

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 "WV Gun Reciprocity" link.



# W. Va. Gun Reciprocity Map



## Honors West Virginia CHL

Alabama  
Alaska  
Arizona  
Arkansas  
Colorado  
Delaware  
Florida  
Georgia  
Idaho  
Indiana  
Iowa  
Kansas

Kentucky  
Louisiana  
Michigan  
Mississippi  
Missouri  
Montana  
Nebraska  
Nevada  
New Hampshire  
New Mexico  
North Carolina  
North Dakota

Ohio  
Oklahoma  
Pennsylvania  
South Carolina  
South Dakota  
Tennessee  
Texas  
Utah  
Vermont\*  
Virginia  
Wisconsin\*\*  
Wyoming

\*Does not require CHL to carry

\*\*Only recognizes permits issued  
after June 8, 2012

# Handgun Reciprocity Information

“Reciprocity” or “mutual recognition” occurs when two states mutually permit their respective citizens to travel to the other state and lawfully carry a concealed handgun. If West Virginia has “reciprocity” or “mutual recognition” with another state, it means a West Virginia CHL will be recognized as valid in that state, and that state’s CHLs will be recognized as valid in West Virginia.

“Formal recognition” of West Virginia CHLs, on the other hand, means that another state will recognize a West Virginia CHL as valid in that state, but West Virginia cannot mutually recognize the other state’s permit due to lack of an agreement or lack of notification from the state’s Governor.

As of the date of this booklet, West Virginia has full handgun reciprocity or mutual recognition agreements with thirty-one (31) states: Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Hampshire, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming. The Office of the West Virginia Attorney General continues to work with other states to reach additional agreements.

Furthermore, West Virginians with a valid CHL may also legally carry in five (5) other states, subject to the limitations of each particular state’s laws: Indiana, Montana, Nevada, Vermont, and Wisconsin. It is worth noting Vermont law does not restrict who may carry a firearm, and Wisconsin *only recognizes* West Virginia concealed handgun licenses issued after June 8, 2012. Because recognition with these states is not mutual, CHLs from those states will not be recognized as valid in West Virginia.

NOTE: It is very important to remember that, when in another state, a West Virginia licensee is subject to the laws of that state relating to locations where firearms are restricted 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.ago.wv.gov/gunreciprocity/Pages/default.aspx](http://www.ago.wv.gov/gunreciprocity/Pages/default.aspx). It is your responsibility to know the laws of the jurisdiction in which you are carrying a concealed deadly weapon.

# Locations in W. Va. Where Firearms Are Restricted or Forbidden

Firearms, concealed or otherwise, are not allowed 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>1</sup>
  3. The State Capitol Complex.<sup>2</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. Any primary or secondary school building, grounds, or property; any school sponsored function; or any school bus or conveyance.<sup>3</sup>
  7. Any building or area limited by municipal code.<sup>4</sup>
- 

<sup>1</sup> While it is not a crime, when armed, to enter property where firearms are 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. The provisions of this section only apply to property where firearms are not otherwise prohibited by law.

<sup>2</sup> A person who holds a valid, current concealed weapons permit 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>3</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.

<sup>4</sup> Certain municipalities may have further handgun restrictions in municipal code. Before carrying a weapon in a West Virginia municipality, it is recommended you verify any such laws with the appropriate city attorney’s office.

# 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 § 61-7-4. 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.ago.wv.gov/gunreciprocity/Pages/default.aspx](http://www.ago.wv.gov/gunreciprocity/Pages/default.aspx).

## **W. Va. Code § 61-7-6. Exceptions as to prohibitions against carrying concealed handguns; exemptions from licensing fees.**

(a) The licensure provisions set forth in this article do not apply to:

(1) Any person:

(A) Carrying a deadly weapon upon his or her own premises;

(B) 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

(C) 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;

(2) Any person who is 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;

(3) Any law-enforcement officer or law-enforcement official as defined in W. Va. Code § 30-29-1;

(4) Any employee of the West Virginia Division of Corrections duly appointed pursuant to the provisions of W. Va. Code § 25-1-11c of this code

while the employee is on duty;

(5) Any member of the armed forces of the United States or the militia of this state while the member is on duty;

(6) Any 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;

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

(8) Any parole officer appointed pursuant to W. Va. Code § 62-12-14 in the performance of their duties.

(b) On and after July 1, 2013, the following judicial officers and prosecutors and staff shall be exempted from paying any application fees or licensure fees required under this article. However, on and after that same date, they shall be required to make application and satisfy all licensure and handgun safety and training requirements set forth in section four of this article before carrying a concealed handgun in this state:

(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.

# Frequently Asked Questions

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

A: Yes. Generally, other than on your own premises, any person who intends to carry a concealed handgun must obtain a license to do so. The only types of weapons which may be carried concealed with a CHL are pistols and revolvers.

The only persons exempt from State licensing requirements are set forth in W. Va. Code § 61-7-6, which is contained on pages 7-8 of this booklet.

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

A: Five years from the date of issuance, unless revoked prior to that time. Licenses are valid throughout the state during the five-year period.

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

A: You must apply to the sheriff for renewal of your license 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: What if my license is revoked?**

A: Your license will be revoked if you violate or 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: 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 on pages 13-14 of this booklet.

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

A: You pay \$75.00 to the sheriff at the time you apply. If your application is approved, you pay an additional \$25.00 prior to issuance of the license for the State Police background check.

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

A: Before filing your CHL application, you must present evidence that you have successfully completed one of the following training courses: 1) Any National Rifle Association ("NRA") handgun safety or training course; 2) Any handgun safety or training course available to the public through an official law enforcement organization or an educational institution; 3) Any handgun safety or training course conducted by an instructor certified by the State or by the NRA; or 4) Any handgun safety or training course conducted by the U.S. military, 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 license.

**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: Yes. West Virginia CHLs issued on or after June 4, 2014, qualify as an alternative to a NICS Background Check under the Brady Law. For information about how to update your West Virginia CHL to qualify, please visit the "Gun Reciprocity" section of our website.

# West Virginia County Sheriffs' Offices

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

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Berkeley County Sheriff  
Kenneth Lemaster Jr.  
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  
Charles Jackson  
300 Courthouse Square  
Wellsburg, WV 26070  
304-737-3660

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Cabell County Sheriff  
Thomas McComas  
750 Fifth Ave., Room 101  
Huntington, WV 25701  
304-526-8664

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

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Clay County Sheriff  
Garrett Samples  
P.O. Drawer 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  
Steve Kessler  
P.O. Box 509  
Fayetteville, WV 25840  
304-574-4216

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Gilmer County Sheriff  
Larry Gerwig  
10 Howard St.  
Glenville, WV 26531  
304-462-7441

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Grant County Sheriff  
Doug Fletcher  
5 Highland Ave.  
Petersburg, WV 26847  
304-257-1818

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Greenbrier County Sheriff  
Jan Cahill  
P.O. Box 347  
Lewisburg, WV 24901  
304-647-6678

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

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

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Hardy County Sheriff  
Bryan Ward  
206 Washington St.  
Moorefield, WV 26836  
304-530-0222

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Harrison County Sheriff  
Albert Marano  
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., Suite 100  
Kearneysville, WV 25430  
304-728-3205

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

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

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Lincoln County Sheriff  
Ken Farley  
P.O.Box 467  
Hamlin, WV 25523  
304-824-7999

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Logan County Sheriff  
SM Dingess Porter  
300 Stratton St., Room 209  
Logan, WV 25601  
304-792-8590

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Marion County Sheriff  
Joseph Carpenter  
316 Monroe St.  
Fairmont, WV 26554  
304-367-5300

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Marshall County Sheriff  
Kevin Cecil  
601 Sixth St.  
Moundsville, WV 26041  
304-843-1500

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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., Suite 117  
Welch, WV 24801  
304-436-8523

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Mercer County Sheriff Don Meadows 1501 Main St., Suite 120 Princeton, WV 24740 304-487-8364	Pocahontas County Sheriff David Jonese 900 Jail Lane Marlinton, WV 24954 304-799-4445	Tyler County Sheriff Earl Kendle, Jr. P.O. Box 7 Middlebourne, WV 26149 304-758-4229
Mineral County Sheriff Jeremy Taylor 150 Armstrong St. Keyser, WV 26726 304-788-0441	Preston County Sheriff Daniel Loughrie 103 W. Main St. Kingwood, WV 26537 304-329-1611	Upshur County Sheriff David Coffman 38 W. Main St., Room 103 Buckhannon, WV 26201 304-472-1180
Mingo County Sheriff James Smith P.O. Box 1270 Williamson, WV 25661 304-235-0300	Putnam County Sheriff Steve Deweese 236 Courthouse Drive, Suite 8 Winfield, WV 25213 304-586-0256	Wayne County Sheriff Greg Farley 700 Hendricks St. Wayne, WV 25570 304-272-6378
Monongalia County Sheriff Allen Kisner 116 Walnut St. Morgantown, WV 26505 304-291-7260	Raleigh County Sheriff Steve Tanner 215 Main St. Beckley, WV 25801 304-255-9300	Webster County Sheriff David Bender 2 Court Square, Room G-3 Webster Springs, WV 26288 304-847-2006
Monroe County Sheriff Michael Gravely P.O. Box 350 Union, WV 24983 304-772-3018	Randolph County Sheriff Mark Brady 32 Randolph Ave., Suite 201 Elkins, WV 26241 304-636-2111	Wetzel County Sheriff John Brookover P.O. Drawer D New Martinsville, WV 26155 304-455-2430
Morgan County Sheriff Vincent Shambough 111 Fairfax St. Berkeley Springs, WV 25411 304-258-1067	Ritchie County Sheriff Brian Backus 109 North St. Harrisville, WV 26362 304-643-2262	Wirt County Sheriff Keith Wilson Jr. P.O. Box 669 Elizabeth, WV 26143 304-275-4222
Nicholas County Sheriff David Hopkins 700 Main St., Suite 3 Summersville, WV 26651 304-872-7880	Roane County Sheriff Todd Cole 200 Main St. Spencer, WV 25276 304-927-2540	Wood County Sheriff Ken Merritt 401 Second St. Parkersburg, WV 26101 304-424-1834
Ohio County Sheriff Patrick Butler 51 16th St. Wheeling, WV 26003 304-234-3792	Summers County Sheriff Garry Wheeler P.O. Box 157 Hinton, WV 25951 304-466-7111	Wyoming County Sheriff Randall Aliff P.O. Box 529 Pineville, WV 24874 304-732-8000
Pendleton County Sheriff Donald Hedrick P.O. Box 687 Franklin, WV 26807 304-358-2214	Taylor County Sheriff Terring Skinner P.O. Box 189 Grafton, WV 26354 304-265-3428	
Pleasants County Sheriff Wayne Wilson II 305 Barkwill St. St. Marys, WV 26170 304-684-2285	Tucker County Sheriff Brian Wilfong 215 First St. Parsons, WV 26287 304-478-2321	



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