Office of the Attorney General

Handbook On Laws Relating To Firearms

August 2014

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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, the states which recognize West Virginia concealed handgun licenses, and state firearm laws generally.

The information provided in this handbook is current as of August 2014. As laws are subject to change, up-to-date information occurring after the publication date of this handbook is available on our website at 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 handbook.

If you have any questions regarding this handbook, or state firearm laws in general, please contact the Office of the Attorney General at (304) 558-2021.

License to Carry a Concealed Handgun

While a license is not required for a person to own a handgun, keep it in his or her home, place of business or other real property, a person who wishes to carry a ***concealed*** handgun must obtain a license (concealed handgun license or "CHL").[1]

Under state law, "concealed" means hidden from ordinary observation so as to prevent disclosure or recognition, or carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the weapon was being carried.

A CHL permits a person who otherwise obeys the applicable laws to carry a handgun in a concealed manner, but a CHL licensee is not required to carry his or her handgun in a concealed manner. Licenses to carry a concealed handgun may be obtained from the sheriff of the county in which the applicant is a resident.[2]

For purposes of CHLs, a handgun is considered on or about the person while the licensee is in a motor vehicle and the handgun is concealed in a storage area in or on the motor vehicle. W. Va. Code § 61-7-2(10). A CHL permits the concealed carry of only a pistol or revolver.[3]

Carrying any concealed deadly weapon without a license 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 not less than one nor more than five years and a fine of not less than $1,000 nor more than $5,000.[4] W. Va. Code § 61-7-3.

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1 No license is necessary to visibly carry a handgun in an unconcealed manner if the person may otherwise lawfully possess a firearm and obeys all applicable laws.
2 While a CHL is technically issued at the county level, it is valid statewide.
3 No other deadly weapons may be carried in a concealed manner pursuant to a CHL.
4 Federal law does create exemptions from state CHL laws for qualified active and retired law enforcement officers. Copies of those statutes, in effect as of the date of this booklet's publication (August 2014), are contained herein.

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.[5] It is important to note that state law requires the possession of one's current license and a state-issued photo identification when carrying a concealed handgun.

The West Virginia State Police recognizes that any person who may lawfully possess a handgun may carry an unconcealed handgun. However, they recommend that if one does not have a concealed handgun permit, all weapons transported in a motor vehicle should be unloaded with the ammunition stored separately. For more information, please refer to:

http://www.wvsp.gov/about/Pages/LegalDivisionFAQs.aspx

Finally, West Virginia law prohibits any person from possessing a loaded hunting firearm in or on any vehicle or conveyance, or its attachments, unless otherwise provided by law or regulation. W. Va. Code § 20-2-5(9).[6]

Requirements for Concealed Handgun Licenses

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

- Must be 21 years of age or older and a bona fide resident of the county of application and if a foreign national, must be a legal alien. However, a person at least 18 years of age and employed in a job requiring the person to carry a concealed handgun as a condition of employment is also eligible so long as he or she continues in that employment;

- 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 (5) 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.

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5 One may often obtain a laminated wallet size copy of the license through the sheriff's office, the fees for which may vary.
6 However, a concealed weapon licensee may carry a handgun in a concealed manner for self defense purposes while afield hunting, hiking, camping or in or on a motor vehicle. W. Va. Code § 20-2-6a.

- Must not be otherwise prohibited by state or federal law from receiving, possessing, or transporting a firearm.

- Must have successfully completed a handgun training program meeting the requirements of W.Va. Code § 61-7-4.[7]

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).

Handgun Reciprocity

"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.[8] "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 proper notification from that state's Governor.

Pursuant to the provisions of West Virginia Code § 61-7-6a, the West Virginia Attorney General is responsible for negotiating with other states to determine whether a West Virginia resident may lawfully carry a concealed weapon in those states with a West Virginia CHL. The Attorney General may either enter into a written agreement with other states for purposes of obtaining reciprocity, or seek mutual recognition of CHLs with state governors through official notification.

As of the date of this booklet (August 2014), West Virginia has full handgun reciprocity or mutual recognition agreements with thirty-one (31) states, namely: Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, and Virginia and Wyoming.[9]

State law currently prohibits the recognition of concealed handgun licenses from other states in the absence of either a written agreement between the states, or notification from another state's Governor recognizing West Virginia CHLs. However, the laws of a number of states do allow for the recognition of West Virginia licenses in instances where mutual recognition does not exist.

Accordingly, West Virginians with a valid CHL may also legally carry in four (4) other states, subject to the limitations of each particular state's laws: Indiana, Montana, Vermont, and Wisconsin.[10] It is worth noting that Vermont law does not restrict who may carry a firearm, and that Wisconsin only recognizes West Virginia concealed handgun licenses issued after June 8, 2012. [11]

The Attorney General's Office also lists information about handgun reciprocity on its website at www.wvago.gov.

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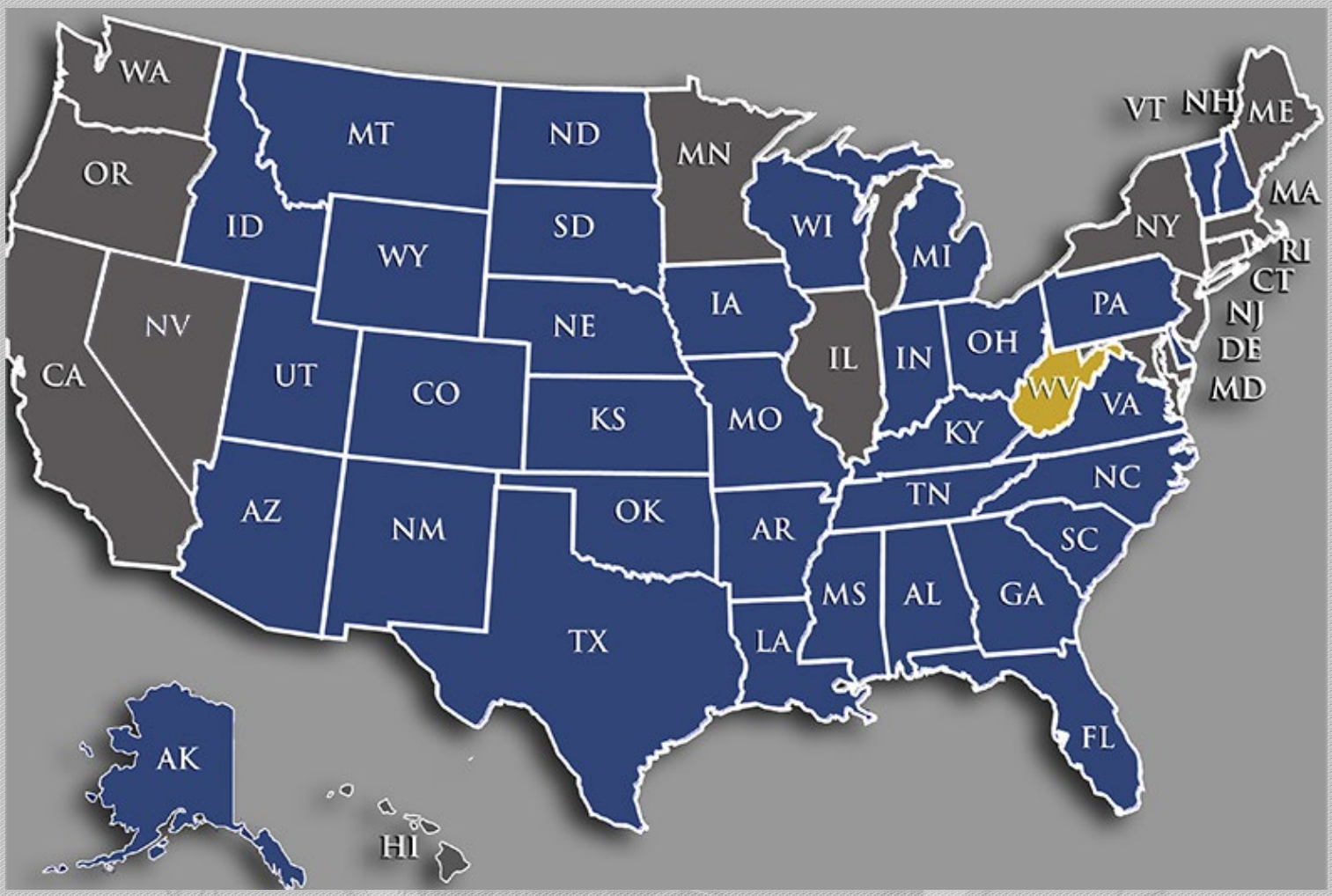
7 Requirement is waived in the case of a renewal applicant who has previously qualified.
8 A resident of a reciprocal or mutually recognized state, who is 21 years of age or older and who has in his or her possession a valid concealed handgun license or permit, may also carry concealed handguns in West Virginia. However, a West Virginia resident may not use another state's CHL to carry a concealed weapon in West Virginia. W. Va. Code § 61-7-6a(a)(3).
9 While a valid reciprocity agreement with the State of New Mexico exists as of the date of this booklet (August 2014), continued reciprocity is pending review. Please see www.wvago.gov for up-to-date information on this and other reciprocity agreements prior to traveling to any reciprocal state.
10 Vermont does not currently require a CHL to carry.
11 Because recognition with these states is not mutual, CHLs from these states will not be recognized as valid in West Virginia.

WV Gun Reciprocity Map

The following states, highlighted in blue, honor West Virginia CHLs as of the publishing of this handbook (August 2014).[12]



Honors West Virginia CHL

Alabama	**Georgia**	**Michigan**	**North Carolina**	**Tennessee**
Alaska	**Idaho**	**Mississippi**	**North Dakota**	**Texas**
Arizona	**Indiana**	**Missouri**	**Ohio**	**Utah**
Arkansas	**Iowa**	**Montana**	**Oklahoma**	**Vermont***
Colorado	**Kansas**	**Nebraska**	**Pennsylvania**	**Virginia**
Delaware	**Kentucky**	**New Hampshire**	**South Carolina**	**Wisconsin****
Florida	**Louisiana**	**New Mexico**	**South Dakota**	**Wyoming**

***Does not require CHL to carry** ****Only recognizes permits issued after June 8, 2012**

12 Subject to any specific limitations set forth in the "Handgun Reciprocity" section above.

Interaction Between Various State and Federal Laws

NOTE – It is your responsibility to know the laws of the jurisdiction in which you are carrying a concealed handgun!

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. Always check with law enforcement in the state or states in which you will be traveling to ensure compliance with the various concealed handgun requirements. You may find links to contact information for the relevant law enforcement officials of other states on our web site at http://www.wvago.gov/.

When carrying a concealed handgun, licensees must have both a concealed handgun license or permit and state-issued photo identification according to the laws of virtually every jurisdiction, including West Virginia.

A number of jurisdictions require licensees to inform law enforcement officials, during the course of a traffic stop, if they are carrying a concealed weapon. For more information about police recommendations regarding the transport of concealed and unconcealed weapons, please refer to:

http://www.wvsp.gov/about/Pages/LegalDivisionFAQs.aspx.

State and federal firearm laws are subject to change at least annually. To find the current state of the law, please check our website for up-to-date information on handgun reciprocity, mutual recognition, and other important legal developments at www.wvago.gov.

Locations in West Virginia Where Firearms are Restricted or Forbidden

Firearms, concealed or otherwise, are by law not allowed 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 property where firearms are prohibited by the owner, lessee or other person charged with the care, custody and control of the real property. W. Va. Code § 61-7-14.[13]

3. The State Capitol Complex. W. Va. Code § 61-6-19(b).

4. Regional jails, detention facilities or State Division of Corrections facilities. W. Va. Code § 61-5-8(c).

5. County courthouses or any facility housing a court of this state. W. Va. Code § 61-7-11a(g).

6. Any primary or secondary school building, grounds or property, at any school sponsored function or on any school bus or conveyance. W. Va. Code § 61-7-11a.

7. Any building or area limited by municipal code.

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13 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 $1,000 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.

The West Virginia Legislature recently amended state code to provide for the uniform regulation of firearms, ammunition, and firearm accessories throughout West Virginia. As a result, municipalities may not "limit the right of any person to purchase, possess, transfer, own, carry, transport, sell, or store" any firearm or firearm ammunition. However, municipalities may enact and enforce ordinances that prohibit or regulate the carrying or possessing of firearms in accordance with W.Va. Code § 8-12-5a.

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 that may be carried concealed with a CHL are pistols and revolvers. W. Va. Code § 61-7-4(a).

The only persons statutorily exempt from state concealed handgun licensing requirements are set forth in W.Va. Code § 61-7-6. Those exemptions include persons carrying deadly weapons on their own premises; persons carrying unloaded firearms to and from the place of purchase or place of repair; persons lawfully hunting traveling to and from a hunting site; certain members of qualifying target-shooting clubs carrying unloaded weapons to and from the place of target practice; law enforcement officers; on-duty correctional officers; on-duty members of the Armed Forces or National Guard; certain federal law enforcement officers; on-duty Hatfield-McCoy rangers; and any person holding a valid CHL from a reciprocal state.

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 sheriff's offices is in this handbook.

Q: How long is a concealed handgun license valid?

A: Five years from the date of issuance, unless revoked prior to that. 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: 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; 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. Typically, county sheriffs require an applicant to have participated in "live fire" as part of any such training courses.

Q. I am a West Virginia resident with a valid non-resident CHL from another state. May I use this permit alone to carry a concealed weapon in West Virginia?

A. No. Pursuant to W. Va. Code § 61-7-6a(a)(3), out-of-state permits or licenses are not recognized as valid if the holder of the permit is a resident of the State of West Virginia.

Q. I acquired a CHL in my county of residence, but then I moved to another county in West Virginia. Do I need to obtain a new permit from the sheriff in my new county of residence?

A. No. W. Va. Code 61-7-4(l) provides that a CHL will remain valid for the remainder of the five (5) years if a person moves to another county within the State. However, within twenty (20) days of moving, the licensee must provide written notification of his or her old and new addresses to the sheriff in the new county of residence.

Q. Do I lose my right to carry an unconcealed handgun (or "open carry") when I apply for and receive a CHL?

A. No. Article III, Section 22 of the West Virginia Constitution states: "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." This has been interpreted to create the right to openly carry a firearm. This right is not lost when you obtain a CHL. Rather, a CHL allows you to carry a handgun in a concealed manner, which would otherwise be a violation of the law.

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. To find additional information about how to update your West Virginia CHL to qualify, please visit the "Gun Reciprocity" section of our website.

Q. Is there a way to transfer my out-of-state CHL if I move to West Virginia from a reciprocal state?

A. No. Out-of-state CHLs are not transferable upon becoming a West Virginia resident. Any resident desiring to carry concealed in West Virginia must obtain a West Virginia CHL through the process described in this booklet.

Relevant Provisions of West Virginia Law as of August 2014

Provided for your reference below are notable firearm provisions and restrictions in the West Virginia Code, as amended through the 2014 Legislative Session. It is important to note that this handbook does not include all of the laws of West Virginia as they relate to the regulation of firearms. If you have a particular question or issue, please contact your local law enforcement office. A list of county sheriffs' offices is contained at the end of this handbook for your reference.

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.

§8-12-5a. Limitations upon municipalities' power to restrict the purchase, possession, transfer, ownership, carrying, transport, sale and storage of certain weapons and ammunition.

(a) Except as provided by the provisions of this section and the provisions of section five of this article, neither a municipality nor the governing body of any municipality may, by ordinance or otherwise, limit the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any revolver, pistol, rifle or shotgun or any ammunition or ammunition components to be used therewith nor to so regulate the keeping of gunpowder so as to directly or indirectly prohibit the ownership of the ammunition in any manner inconsistent with or in conflict with state law.
(b) For the purposes of this section:
(1) "Municipally owned or operated building" means any building that is used for the business of the municipality, such as a courthouse, city hall, convention center, administrative building or other similar municipal building used for a municipal purpose permitted by state law: Provided, That "municipally owned or operated building" does not include a building owned by a municipality that is leased to a private entity where the municipality primarily serves as a property owner receiving rental payments.
(2) "Municipally owned recreation facility" means any municipal swimming pool, recreation center, sports facility, facility housing an after-school program or other similar facility where children are regularly present.
(c)(1) A municipality may enact and enforce an ordinance or ordinances that prohibit or regulate the carrying or possessing of a firearm in municipally owned or operated buildings.
(2) A municipality may enact and enforce an ordinance or ordinances that prohibit a person from carrying or possessing a firearm openly or that is not lawfully concealed in a municipally owned recreation facility: Provided, That a municipality may not prohibit a person with a valid concealed handgun permit from carrying an otherwise lawfully possessed firearm into a municipally owned recreation facility and securely storing the firearm out of view and access to others during their time at the municipally owned recreation facility.
(3) A person may keep an otherwise lawfully possessed firearm in a motor vehicle in municipal public parking facilities if the vehicle is locked and the firearm is out of view.
(4) A municipality may not prohibit or regulate the carrying or possessing of a firearm on municipally owned or operated property other than municipally owned or operated buildings and municipally owned recreation facilities pursuant to subdivisions (1) and (2) of this section: Provided, That a municipality may prohibit persons who do not have a valid concealed handgun license from carrying or possessing a firearm on municipally owned or operated property.
(d) It shall be an absolute defense to an action for an alleged violation of an ordinance authorized by this section prohibiting or regulating the possession of a firearm that the person: (1) Upon being requested to do so, left the premises with the firearm or temporarily relinquished the firearm in response to being informed that his or her possession of the firearm was contrary to municipal ordinance; and (2) but for the municipal ordinance the person was lawfully in possession of the firearm.
(e) Any municipality that enacts an ordinance regulating or prohibiting the carrying or possessing of a

firearm pursuant to subsection (c) of this section shall prominently post a clear statement at each entrance to all applicable municipally owned or operated buildings or municipally owned recreation facilities setting forth the terms of the regulation or prohibition.
(f) Redress for an alleged violation of this section may be sought through the provisions of chapter fifty-three of this code, which may include the awarding of reasonable attorneys fees and costs.
(g) Upon the effective date of this section, section fourteen, article seven, chapter sixty-one of this code is inapplicable to municipalities. For the purposes of that section, municipalities may not be considered a person charged with the care, custody and control of real property.
(h) This section does not:
(1) Impair the authority of any municipality, or the governing body thereof, to enact any ordinance or resolution respecting the power to arrest, convict and punish any individual under the provisions of subdivision (16), section five of this article or from enforcing any such ordinance or resolution;
(2) Authorize municipalities to restrict the carrying or possessing of firearms, which are otherwise lawfully possessed, on public streets and sidewalks of the municipality: Provided, That whenever pedestrian or vehicular traffic is prohibited in an area of a municipality for the purpose of a temporary event of limited duration, not to exceed fourteen days, which is authorized by a municipality, a municipality may prohibit persons who do not have a valid concealed handgun license from possessing a firearm in the area where the event is held; or
(3) Limit the authority of a municipality to restrict the commercial use of real estate in designated areas through planning or zoning ordinances.

§ 15-5-19a. Possession of firearms during a declared state of emergency.

(a) No person acting on behalf or under the authority of the state or a political subdivision of the state may do any of the following during any federal or state declared state of emergency:
(1) Prohibit or restrict the otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition;
(2) Seize, confiscate, or authorize the seizure or confiscation of any otherwise lawfully- possessed firearm or ammunition unless:
(A) The person acting on behalf of or under the authority of the state or political subdivision is:
(i) Defending himself or another from an assault; or,
(ii) Arresting a person in actual possession of a firearm or ammunition for a violation of law; or,
(B) The firearm or ammunition is being seized or confiscated as evidence of a crime; or,
(3) Require registration of any firearm or ammunition.
(b) The prohibitions of subsection (a)(1) do not prohibit the state or an authorized state or local authority from ordering and enforcing an evacuation or general closure of businesses in the affected area during a declared state of emergency.
(c) Any individual aggrieved by a violation of this section may seek relief in an action at law or in equity for redress against any person who subjects such individual, or causes such individual to be subjected, to an action prohibited by this section.
(d) In addition to any other remedy at law or in equity, an individual aggrieved by the seizure or confiscation of a firearm or ammunition in violation of this section may bring an action for the return of such firearm or ammunition in the circuit court of the county in which that individual resides or in which such firearm or ammunition is located.
(e) In any action or proceeding to enforce this section, the court shall award a prevailing plaintiff costs and reasonable attorney fees.

§ 15-10-5. Federal officers' peace-keeping authority.

(a) Notwithstanding any provision of this code to the contrary, any person who is employed by the United States government as a federal law-enforcement officer and is listed in subsection

(b) of this section, has the same authority to enforce the laws of this state, except state or local traffic laws or parking ordinances, as that authority granted to state or local law-enforcement officers, if one or more of the following circumstances exist:

(1) The federal law-enforcement officer is requested to provide temporary assistance by the head of a state or local law-enforcement agency or the designee of the head of the agency and that request is within the state or local law-enforcement agency's scope of authority and jurisdiction and is in writing: Provided, That the request does not need to be in writing if an emergency situation exists involving the imminent risk of loss of life or serious bodily injury;

(2) The federal law-enforcement officer is requested by a state or local law-enforcement officer to provide the officer temporary assistance when the state or local law-enforcement officer is acting within the scope of the officer's authority and jurisdiction and where exigent circumstances exist; or

(3) A felony is committed in the federal law-enforcement officer's presence or under circumstances indicating a felony has just occurred.

(b) This section applies to the following persons who are employed as full-time federal law- enforcement officers by the United States government and who are authorized to carry firearms while performing their duties:

(1) Federal Bureau of Investigation special agents;

(2) Drug Enforcement Administration special agents;

(3) United States Marshal's Service marshals and deputy marshals;

(4) United States postal service inspectors;

(5) Internal revenue service special agents;

(6) United States secret service special agents;

(7) Bureau of alcohol, tobacco, and firearms special agents;

(8) Police officers employed pursuant to 40 U.S.C. §§ 318 and 490 at the federal bureau of investigation's criminal justice information services division facility located within this state;

(9) Law-enforcement commissioned rangers of the national park service;

(10) Department of Veterans Affairs Police and Department of Veterans Affairs special investigators;

(11) Office of Inspector General special agents; and

(12) Federal Air Marshals with the Federal Air Marshal Service.

(c) Any person acting under the authority granted pursuant to this section:

(1) Has the same authority and is subject to the same exemptions and exceptions to this code as a state or local law-enforcement officer;

(2) Is not an officer, employee, or agent of any state or local law-enforcement agency;

(3) May not initiate or conduct an independent investigation into an alleged violation of any provision of this code except to the extent necessary to preserve evidence or testimony at risk of loss immediately following an occurrence described in subdivision (3), subsection (a) of this section;

(4) Is subject to 28 U.S.C. § 1346, the Federal Tort Claims Act; and

(5) Has the same immunities from liability as a state or local law-enforcement officer.

§ 18-2-8a. Hunter safety orientation program.

(a) The Legislature finds that:

(1) Firearms and hunting are important parts of West Virginia's history, culture and economy;

(2) Unfortunately, the use of firearms while hunting or at any other time can be dangerous when the firearms are not handled in a careful and safe manner; and

(3) Therefore, the opportunity of participating in a hunter safety orientation program should be offered to students in certain grades.

(b) The State Board of Education shall, with the advice of the State Superintendent of Schools and the Director of the Division of Natural Resources, promulgate a rule in accordance with the provisions of article

three-b, chapter twenty-nine-a of this code for the implementation of a hunter safety orientation program for use in the public schools of this state. The rule shall include at least the following provisions:
(1) The hunter safety orientation program may be offered to students in any of the grade levels sixth through twelfth grades over a two-week period during the school year as part of physical education classes, or as part of the general curriculum offered to students in any of these grade levels, or at the end of the school day;
(2) The hunter safety orientation program is voluntary to students and any student may choose not to participate in the program. If a student chooses not to participate in the program, he or she shall participate in another education activity;
(3) The hunter safety orientation program shall include instruction relating to:
(A) The protection of lives and property against loss or damage as a result of the improper use of firearms; and
(B) The proper use of firearms in hunting, sport competition and the care and safety of firearms in the home;
(4) The hunter safety orientation program may use materials prepared by any national nonprofit membership organization which has as one of its purposes the training of people in marksmanship and the safe handling and use of firearms; and
(5) The hunter safety orientation program shall be conducted by an instructor certified by the Division of Natural Resources or who has other training necessary to conduct the program as determined by the state board.
(c) The county superintendent may implement the hunter safety orientation program in accordance with the rule required by this section in each school in the county that includes any of grades six through twelve at which, in the sole judgment of the superintendent, sufficient student interest in program enrollment justifies the program offering and an appropriately certified instructor is available.
(d) The Division of Natural Resources shall issue a certificate of training, required by section thirty-a, article two, chapter twenty of this code, to any student who completes the hunter safety orientation program.

§ 20-2-6a. Carrying a concealed handgun.

(a) Notwithstanding any provision of this code to the contrary, a person licensed to carry a concealed weapon pursuant to the provisions of section four, article seven, chapter sixty-one of this code who is not prohibited at the time from possessing a firearm pursuant to the provisions of section seven, article seven, chapter sixty-one of this code or by any applicable federal law may carry a handgun in a concealed manner for self-defense purposes while field hunting, hiking, camping or in or on a motor vehicle.
(b) The provisions of this section shall not exempt any person from obtaining any hunting or fishing license or stamp required by the division of natural resources.

§ 20-2-30a. Certificate of training; falsifying, altering, forging, counterfeiting or uttering training certificate; penalties.

(a) Notwithstanding any other provisions of this article, no hunting license or stamp may be issued to any person who was born on or after the first day of January, one thousand nine hundred seventy-five, unless the person submits to the person authorized to issue hunting licenses a certificate of training as provided in this section or proof of completion of any course which promotes as a major objective safety in the handling of firearms and of bow and arrows and which course is approved by the hunter education association or the Director, or provides a State of West Virginia resident or nonresident hunting license from the previous hunting season that displays a certification of training, or attests that a hunter training course has been completed when purchasing a license or stamp online.
(b) The Director shall establish a course in the safe handling of firearms and of bows and arrows, such as the course approved by the hunter education association. This course shall be given at least once per year in each county in this state and shall be taught by instructors certified by the Director. In establishing and conducting this course, the Director may cooperate with any reputable association or organization which promotes as a major objective safety in the handling of firearms and of bows and arrows: Provided, That any person holding

a Class A-L or AB-L lifetime resident license obtained prior to his or her fifteenth birthday shall be required to obtain a certificate of training as provided in this section before hunting or trapping pursuant to said license. This course of instruction shall be offered without charge, except for materials or ammunition consumed. Upon satisfactory completion of the course, each person instructed in the course shall be issued a certificate of training for the purposes of complying with the requirements of subsection (a) of this section. The certificate shall be in the form prescribed by the Director and shall be valid for hunting license application purposes.
(c)(1) Upon satisfactory completion of this course, any person whose hunting license has been revoked for a violation of the provisions of this chapter may petition the Director for a reduction of his or her revocation time. However, under no circumstances may the time be reduced to less than one year.
(2) Successful completion of this course shall be required to consider the reinstatement of a hunting license of any person whose license has been revoked due to a conviction for negligent shooting of a human being or of livestock under the provisions of section fifty-seven of this article, and who petitions the Director for an early reinstatement of his or her hunting privileges. Such a petitioner shall also comply with the other requirements for consideration of reinstatement contained in section thirty-eight of this article.
(d) It is unlawful for any person to falsify, alter, forge, counterfeit or utter a certificate of training. Any person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five hundred dollars nor more than one thousand dollars, or confined in jail for a period not to exceed one year, or both fined and imprisoned.
(e) Nothing herein contained shall mandate that any county school district in the state be responsible for implementing hunter safety education programs.

§20-2-37. Display of license, etc., by persons in possession of hunting, fishing, etc., paraphernalia.

(a) Any person having in his or her possession in or near the fields or woods, or about the streams of this state, any wildlife, hunting dog or other hunting, fishing or trapping paraphernalia, implements or devices suitable for taking wildlife under circumstances indicating he or she has been hunting, trapping, fishing or otherwise taking wildlife, shall, upon demand of any officer authorized to enforce this chapter:
(1) State his or her correct name and address;
(2) Exhibit for inspection all license and documents or other lawful authorization for hunting, fishing, trapping or otherwise taking wildlife required to be carried pursuant to this chapter; and
(3) Exhibit for inspection all such wildlife, paraphernalia, implements or devices which he or she has in his or her possession.
(b) Mere possession of a firearm does not, in and of itself, indicate that a person has been hunting, fishing, trapping or taking wildlife, but may be considered along with other evidence in a determination as to whether a person has been hunting, fishing, trapping or otherwise taking wildlife.
(c) Nothing in this section may be construed as authorizing searches that violate article three, section six of the West Virginia Constitution or the Fourth Amendment to the Constitution of the United States, nor may anything in this section be construed as effecting a waiver of these Constitutional provisions.

§20-2-58. Shooting across road or near building or crowd; penalty.

(a) In addition to any other prohibitions which may exist by law, it shall be unlawful for any person to shoot or discharge any firearms:
(1) Across or in any public road in this state, at any time;
(2) Within five hundred feet of any school or church; or
(3) Within five hundred feet of any dwelling house: Provided, That a person who is a resident of a dwelling house, and his or her authorized guest, may shoot or discharge a firearm in a lawful manner within five hundred feet of the dwelling house where the person lives, if the firearm is being discharged with the express or implied knowledge and consent of all residents of that dwelling house, and no other dwelling houses are located within five hundred feet of where the firearm is discharged; or

(4) On or near any park or other place where persons gather for purposes of pleasure.
(b) Any person violating this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars nor more than $500 or confined in jail for not more than one hundred days, or both fined and confined.
(b) Notwithstanding the provisions of subsection (a) of this section, any person operating a gun repair shop, licensed to do business in the State of West Virginia and duly licensed under applicable federal statutes, may be exempted from the prohibition established by this section and section twelve, article seven, chapter sixty-one of this code for the purpose of test firing a firearm. The director of the Division of Natural Resources shall prescribe such rules as may be necessary to carry out the purposes of the exemption under this section and section twelve, article seven, chapter sixty-one and shall ensure that any person residing in any dwelling home within five hundred feet of such gun repair shop be given an opportunity to protest the granting of such exemption.

§ 48-27-502. Mandatory provisions in protective order. (Domestic Violence)

(a) A protective order must order the respondent to refrain from abusing, harassing, stalking, threatening or otherwise intimidating the petitioner or the minor children, or engaging in other conduct that would place the petitioner or the minor children in reasonable fear of bodily injury.
(b) The protective order must prohibit the respondent from possessing any firearm or ammunition.
(c) The protective order must inform the respondent that he or she is prohibited from possessing any firearm or ammunition and that possession of a firearm or ammunition while subject to the court's protective order is a criminal offense under state and federal law, notwithstanding the fact that the respondent might otherwise have a right to possess a firearm.
(d) The protective order must inform the respondent that the order is in full force in every county of this state.
(e) The protective order must contain on its face the following statement, printed in bold-faced type or in capital letters:
"VIOLATION OF THIS ORDER MAY BE PUNISHED BY CONFINEMENT IN A REGIONAL JAIL FOR AS LONG AS ONE YEAR AND BY A FINE OF AS MUCH AS $2,000".

§ 61-3B-3. Trespass on property other than structure or conveyance.

(a) It is an unlawful trespass for any person to knowingly, and without being authorized, licensed or invited, to enter or remain on any property, other than a structure or conveyance, as to which notice against entering or remaining is either given by actual communication to such person or by posting, fencing or cultivation.
(b) First offense conviction. -- Upon a first trespassing conviction pursuant to subsection (a): The person is guilty of a misdemeanor and shall be fined not less than $100 nor more than $500.
(c) Second offense conviction. -- Upon a second trespassing conviction pursuant to subsection (a): The person is guilty of a misdemeanor and shall be fined not less than $500 nor more than $1,000.
(d) Third offense conviction. -- Upon a third and subsequent trespassing conviction pursuant to subsection (a): The person is guilty of a misdemeanor and shall be fined not less than $1,000 nor more than $1,500.
(e) If the offender defies an order to leave, personally communicated to him by the owner, tenant or agent of such owner or tenant, or if the offender opens any door, fence or gate, and thereby exposes animals, crops or other property to waste, destruction or freedom, or causes any damage to property by such trespassing on property other than a structure or conveyance, he shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $100 nor more than $500 or imprisoned in the county jail for a period not to exceed six months, or both such fine and imprisonment.
(c) If the offender is armed with a firearm or other dangerous weapon with the unlawful and felonious intent to do bodily injury to a human being during his commission of the offense of trespass on property other than a structure or conveyance, such offender shall, notwithstanding section one, article seven, chapter sixty-one of

this code, be guilty of a misdemeanor and, upon conviction thereof, shall be confined in the county jail for a term not to exceed six months, or fined not more than $100, or both such fine and imprisonment.
(d) Notwithstanding and in addition to any other penalties provided by law, any person who performs or causes damage to property in the course of a willful trespass shall be liable to the property owner in the amount of twice the amount of such damage. However, this article shall not apply in a labor dispute.

§ 61-7-2. Definitions.

As used in this article, unless the context otherwise requires:
(1) "Blackjack" means a short bludgeon consisting, at the striking end, of an encased piece of lead or some other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact when a person or object is struck. The term "blackjack" shall include, but not be limited to, a billy, billy club, sand club, sandbag or slapjack.
(2) "Gravity knife" means any knife that has a blade released from the handle by the force of gravity or the application of centrifugal force and when so released is locked in place by means of a button, spring, lever or other locking or catching device.
(3) "Knife" means an instrument, intended to be used or readily adaptable to be used as a weapon, consisting of a sharp-edged or sharp-pointed blade, usually made of steel, attached to a handle which is capable of inflicting cutting, stabbing or tearing wounds. The term "knife" shall include, but not be limited to, any dagger, dirk, poniard or stiletto, with a blade over three and one-half inches in length, any switchblade knife or gravity knife and any other instrument capable of inflicting cutting, stabbing or tearing wounds. A pocket knife with a blade three and one-half inches or less in length, a hunting or fishing knife carried for hunting, fishing, sports or other recreational uses or a knife designed for use as a tool or household implement shall not be included within the term "knife" as defined herein unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.
(4) "Switchblade knife" means any knife having a spring-operated blade which opens automatically upon pressure being applied to a button, catch or other releasing device in its handle.
(5) "Nunchuka" means a flailing instrument consisting of two or more rigid parts, connected by a chain, cable, rope or other nonrigid, flexible or springy material, constructed in such a manner as to allow the rigid parts to swing freely so that one rigid part may be used as a handle and the other rigid part may be used as the striking end.
(6) "Metallic or false knuckles" means a set of finger rings attached to a transverse piece to be worn over the front of the hand for use as a weapon and constructed in such a manner that, when striking another person with the fist or closed hand, considerable physical damage may be inflicted upon the person struck. The terms "metallic or false knuckles" shall include any such instrument without reference to the metal or other substance or substances from which the metallic or false knuckles are made.
(7) "Pistol" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.
(8) "Revolver" means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.
(9) "Deadly weapon" means an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use. The term "deadly weapon" shall include, but not be limited to, the instruments defined in subdivisions (1) through (8), inclusive, of this section or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of section one-a, article five, chapter eighteen-a of this code and section eleven-a, article seven of this chapter, in addition to the definition of "knife" set forth in subdivision (3) of this section, the term "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of section one-a, article five, chapter eighteen-a of this code and section eleven-a, article seven of this chapter, the term "deadly weapon" includes explosive, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any

item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.
(10) "Concealed" means hidden from ordinary observation so as to prevent disclosure or recognition. A deadly weapon is concealed when it is carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the deadly weapon was being carried. For purposes of concealed handgun licensees, a licensee shall be deemed to be carrying on or about his or her person while in or on a motor vehicle if the firearm is located in a storage area in or on the motor vehicle.
(11) "Firearm" means any weapon which will expel a projectile by action of an explosion.
(12) "Controlled substance" has the same meaning as is ascribed to that term in subsection (d), section one hundred one, article one, chapter sixty-a of this code.
(13) "Drug" has the same meaning as is ascribed to that term in subsection (1), section one hundred one, article one, chapter sixty-a of this code.

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

(a) Except as provided in subsection (h) of this section, any person desiring to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for the license, and pay to the sheriff, at the time of application, a fee of $75, of which $15 of that amount shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code. Concealed weapons permits may only be issued for pistols or revolvers. Each applicant shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:
(1) 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);
(2) That, on the date the application is made, the applicant is a bona fide 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;
(3) That the applicant is twenty-one years of age or older: Provided, That any individual who is less than twenty-one years of age and possesses a properly issued concealed weapons license as of the effective date of this article shall be licensed to maintain his or her concealed weapons license notwithstanding the provisions of this section requiring new applicants to be at least twenty-one years of age: Provided, however, That upon a showing of any applicant who is eighteen years of age or older that he or she is required to carry a concealed weapon as a condition for employment, and presents satisfactory proof to the sheriff thereof, then he or she shall be issued a license upon meeting all other conditions of this section. Upon discontinuance of employment that requires the concealed weapons license, if the individual issued the license is not yet twenty-one years of age, then the individual issued the license is no longer eligible and must return his or her license to the issuing sheriff;
(4) 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;
(5) 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;
(6) That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subsection (7) of this section in the five years immediately preceding the application;
(7) 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 the provisions of section twenty-eight, article two of this chapter or the provisions of subsection (b) or (c), section nine, article two of this

chapter 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;

(8) 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;

(9) 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;

(10) That the applicant is not prohibited under the provisions of section seven of this article or federal law, including 18 U.S.C. § 922(q) or (n), from receiving, possessing or transporting a firearm;

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

(12) 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.

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

(c) Sixty dollars of the application fee and any fees for replacement of lost or stolen licenses received by the sheriff shall be deposited by the sheriff into a concealed weapons license administration fund. The fund shall be administered by the sheriff and shall take the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited in this concealed weapon license administration fund are to be expended by the sheriff to pay the costs associated with issuing concealed weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff considers appropriate.

(d) All persons applying for a license must complete a training course in handling and firing a handgun. The successful completion of any of the following courses fulfills this training requirement:

(1) Any official National Rifle Association 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 training or safety course or class conducted by a handgun instructor certified as such by the state or by the National Rifle Association;

(4) 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.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization or group that conducted or taught the course or class attesting to the successful completion of the course or class by the applicant or a copy of any document which shows successful completion of the course or class is evidence of qualification under this section.

(e) All concealed weapons license applications must be notarized by a notary public duly licensed under

article four, chapter twenty-nine of this code. Falsification of any portion of the application constitutes false swearing and is punishable under the provisions of section two, article five, chapter sixty-one of this code.

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

(g) Before any approved license is issued or is effective, the applicant shall pay to the sheriff a fee in the amount of $25 which the sheriff shall forward to the Superintendent of the West Virginia State Police within thirty days of receipt. The license is valid for five years throughout the state, unless sooner revoked.

(h) Each license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section.

(i) The Superintendent of the West Virginia State Police shall prepare uniform applications for licenses and license cards showing that the license has been granted and shall do any other act required to be done to protect the state and see to the enforcement of this section.

(j) If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within thirty days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a license under the criteria set forth in this section. The applicant may be represented by counsel, but in no case is the court required to appoint counsel for an applicant. The final order of the court shall include the court's findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals.

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

(l) Whenever any person after applying for and receiving a concealed handgun license moves from the address named in the application to another county within the state, the license remains valid for the remainder of the five years: Provided, That the licensee within twenty days thereafter notifies the sheriff in the new county of residence in writing of the old and new addresses.

(m) The sheriff shall, immediately after the license is granted as aforesaid, furnish the Superintendent of the West Virginia State Police a certified copy of the approved application. The sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so requested a certified list of all licenses issued in the county. The Superintendent of the West Virginia State Police shall maintain a registry of all persons who have been issued concealed weapons licenses.

(n) Except when subject to an exception under section six, article seven of this chapter, all licensees shall carry with them a state-issued photo identification card with the concealed weapons license whenever the licensee is carrying a concealed weapon. Any licensee who, in violation of this subsection, fails to have in his or her possession a state-issued photo identification card and a current concealed weapons license while carrying a concealed weapon is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $50 or more than $200 for each offense.

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

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

(q) Notwithstanding the provisions of subsection (a) of this section, with respect to application by a former law-enforcement officer honorably retired from agencies governed by article fourteen, chapter seven of this

code; article fourteen, chapter eight of this code; article two, chapter fifteen of this code; and article seven, chapter twenty of this code, an honorably retired officer is exempt from payment of fees and costs as otherwise required by this section. All other application and background check requirements set forth in this shall be applicable to these applicants.

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

§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 section one, article twenty-nine, chapter thirty of this code;

(4) Any employee of the West Virginia Division of Corrections duly appointed pursuant to the provisions of section eleven-c, article one, chapter twenty-five 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;

(8) Any Hatfield-McCoy Regional Recreation Authority Ranger while the ranger is on duty; and

(9) Any parole officer appointed pursuant to section fourteen, article twelve, chapter sixty-two of this code 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.

§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 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 in that state based upon having a valid West Virginia 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.

§61-7-7. Persons prohibited from possessing firearms; classifications; 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 (c) 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 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.
(d) 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.

§ 61-7-8. Possession of deadly weapons by minors; prohibitions.

Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: Provided, That a minor may possess a firearm upon premises owned by said minor or his family or on the

premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property: Provided, however, That nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of article five, chapter forty-nine of this code, and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

§ 61-7-11. Brandishing deadly weapons; threatening or causing breach of the peace; criminal penalties.

It shall be unlawful for any person armed with a firearm or other deadly weapon, whether licensed to carry the same or not, to carry, brandish or use such weapon in a way or manner to cause, or threaten, a breach of the peace. Any person violating this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than one thousand dollars, or shall be confined in the county jail not less than ninety days nor more than one year, or both.

§ 61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and in offices of family law master.

(a) The Legislature hereby finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending and persons employed by schools in this state and for persons employed by the judicial department of this state. It is for the purpose of providing assurances of safety that subsections (b), (g) and (h) of this section are enacted as a reasonable regulation of the manner in which citizens may exercise the rights accorded to them pursuant to section twenty-two, article three of the Constitution of the State of West Virginia.

(b) (1) It is unlawful for a person to possess a firearm or other deadly weapon on a school bus as defined in section one, article one, chapter seventeen-a of this code, or in or on a public or private 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.

(2) This subsection does not apply to:

(A) A law-enforcement officer acting in his or her official capacity;

(B) A person specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

(C) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

(D) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

(E) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity; or

(F) The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity.

(3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than ten years, or fined not more than $5,000, or both.

(c) It is the duty of the principal of each school subject to the authority of the State Board of Education to report a violation of subsection (b) of this section discovered by the principal to the State Superintendent

of Schools within seventy-two hours after the violation occurs. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for the making and delivery of the reports as required by this subsection. In addition, it is the duty of the principal of each school subject to the authority of the State Board of Education to report a violation of subsection (b) of this section discovered by the principal to the appropriate local office of the Division of Public Safety within seventy-two hours after the violation occurs.

(d) In addition to the methods of disposition provided by article five, chapter forty-nine of this code, a court which adjudicates a person who is fourteen years of age or older as delinquent for a violation of subsection (b) of this section may, in its discretion, order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. Where the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward to the Division of Motor Vehicles.

(e) (1) If a person eighteen years of age or older is convicted of violating subsection (b) of this section, and if the person does not act to appeal the conviction within the time periods described in subdivision (2) of this subsection, the person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

(2) The clerk of the court in which the person is convicted as described in subdivision (1) of this subsection shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the transcript when the person convicted has not requested an appeal within twenty days of the sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward a transcript of the judgment of conviction when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within thirty days after the judgment was entered.

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in subdivision (1) of this subsection, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's twentieth birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of section two, article five- a, chapter seventeen-c of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within ten days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

(4) For the purposes of this subsection, a person is convicted when such person enters a plea of guilty or is found guilty by a court or jury.

(f) (1) It is unlawful for a parent, guardian or custodian of a person less than eighteen years of age who knows that the person is in violation of subsection (b) of this section or has reasonable cause to believe that the person's violation of subsection (b) is imminent, to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

(2) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined

not more than $1,000, or shall be confined in jail not more than one year, or both.
(g) (1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts.
(2) This subsection does not apply to:
(A) A law-enforcement officer acting in his or her official capacity; and
(B) A person exempted from the provisions of this subsection by order of record entered by a court with jurisdiction over the premises or offices.
(3) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, or shall be confined in jail not more than one year, or both.
(h) (1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts, with the intent to commit a crime.
(2) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than ten years, or fined not more than $5,000, or both.
(i) Nothing in this section may be construed to be in conflict with the provisions of federal law.

§ 61-7-12. Wanton endangerment involving a firearm.

Any person who wantonly performs any act with a firearm which creates a substantial risk of death or serious bodily injury to another shall be guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary for a definite term of years of not less than one year nor more than five years, or, in the discretion of the court, confined in the county jail for not more than one year, or fined not less than two hundred fifty dollars nor more than two thousand five hundred dollars, or both.
For purposes of this section, the term "firearm" shall have the same meaning ascribed to such term as set forth in section two of this article.

§ 61-7-14. Right of certain persons to limit possession of firearms on premises.

Notwithstanding the provisions of this article, any owner, lessee or other person charged with the care, custody and control of real property may prohibit the carrying openly or concealing of any firearm or deadly weapon on property under his or her domain: Provided, That for purposes of this section "person" means an individual or any entity which may acquire title to real property.
Any person carrying or possessing a firearm or other deadly weapon on the property of another who refuses to temporarily relinquish possession of such firearm or other deadly weapon, upon being requested to do so, or to leave such premises, while in possession of such firearm or other deadly weapon, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars or confined in the county jail not more than six months, or both: Provided, That the provisions of this section shall not apply to those persons set forth in subsections (3) through (6), section six of this code while such persons are acting in an official capacity: Provided, however, That under no circumstances may any person possess or carry or cause the possession or carrying of any firearm or other deadly weapon on the premises of any primary or secondary educational facility in this state unless such person is a law-enforcement officer or he or she has the express written permission of the county school superintendent.

SELECTED PROVISIONS OF FEDERAL LAW

Included for your reference below are select federal firearm laws, updated as of the publication of this handbook (August 2014). The listed federal statutes are not exhaustive, but rather highlight important restrictions and/or provisions that currently exist at the federal level.

18 U.S.C. § 922. Unlawful Acts (Selected Excerpts)

[Relating to the sale or disposition of firearms or ammunition]

(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—
(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
(2) is a fugitive from justice;
(3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
(4) has been adjudicated as a mental defective or has been committed to any mental institution;
(5) who, being an alien—
(A) is illegally or unlawfully in the United States; or (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));
(6) who [2] has been discharged from the Armed Forces under dishonorable conditions;
(7) who, having been a citizen of the United States, has renounced his citizenship;
(8) is subject to a court order that 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, except that this paragraph shall only apply to a court order that—
(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and (B)
(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
(9) has been convicted in any court of a misdemeanor crime of domestic violence.

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection
(c) of section 925 of this chapter.

[Relating to the shipment or transportation of firearms or ammunition]

(g) It shall be unlawful for any person–
(1) who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
(2) who is a fugitive from justice;
(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
(5) who, being an alien --
(A) is illegally or unlawfully in the United States; or
(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));
(6) who has been discharged from the Armed Forces under dishonorable conditions;
(7) who, having been a citizen of the United States, has renounced his citizenship;
(8) who is subject to a court 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
(9) who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

18 U.S.C. § 926A. Interstate transportation of firearms

Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, That in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

18 U.S.C. § 926B. Carrying of concealed firearms by qualified law enforcement officers

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).
(b) his section shall not be construed to supersede or limit the laws of any State that–
(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.
(c) As used in this section, the term “qualified law enforcement officer” means an employee of a governmental agency who--
(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;
(2) is authorized by the agency to carry a firearm;
(3) is not the subject of any disciplinary action by the agency which could result in suspension or

loss of police powers;
(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
(5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
(6) is not prohibited by Federal law from receiving a firearm.
(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.
(e) As used in this section, the term "firearm"--
(1) except as provided in this subsection, has the same meaning as in section 921 of this title;
(2) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and (3) does not include--
(A) any machine gun (as defined in section 5845 of the National Firearms Act);
(B) any firearm silencer (as defined in section 921 of this title); and
(C) any destructive device (as defined in section 921 of this title).
(f) For the purposes of this section, a law enforcement officer of the Amtrak Police Department, a law enforcement officer of the Federal Reserve, or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.

18 U.S.C. § 926C. Carrying of concealed firearms by qualified retired law enforcement officers

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).
(b) This section shall not be construed to supersede or limit the laws of any State that--
(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.
(c) As used in this section, the term "qualified retired law enforcement officer" means an individual who--
(1) separated from service in good standing from service with a public agency as a law enforcement officer;
(2) before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
(3)(A) before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or
(B) separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;
(5)(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or
(B) has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to

mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);
(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
(7) is not prohibited by Federal law from receiving a firearm.
(d) The identification required by this subsection is--
(1) a photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm; or
(2)(A) a photographic identification issued by the agency from which the individual separated from service as a law enforcement officer; and
(B) a certification issued by the State in which the individual resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met--
(I) the active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or
(II) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.
(e) As used in this section--
(1) the term “firearm”--
(A) except as provided in this paragraph, has the same meaning as in section 921 of this title;
(B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and
(C) does not include--
(i) any machine gun (as defined in section 5845 of the National Firearms Act);
(ii) any firearm silencer (as defined in section 921 of this title); and
(iii) any destructive device (as defined in section 921 of this title); and
(2) the term “service with a public agency as a law enforcement officer” includes service as a law enforcement officer of the Amtrak Police Department, service as a law enforcement officer of the Federal Reserve, or service as a law enforcement or police officer of the executive branch of the Federal Government.

West Virginia County Sheriffs' Offices

John W. Hawkins Barbour County Sheriff 8 North Main Street Philippi, WV 26416 (304) 457-2881	Kenneth Lemaster, Jr. Berkeley County Sheriff 802 Emmett Rousch Drive, Suite C Martinsburg, WV 25401 (304) 267-7000	Randall White Boone County Sheriff 200 State Street Madison, WV 25130 (304) 369-7390
Eddie Williams Braxton County Sheriff Post Office Box 546 Sutton, WV 26601 (304) 765-2838	Charles W. Jackson Brooke County Sheriff 300 Courthouse Square Wellsburg, WV 26070 (304) 737-3660	Thomas W. McComas Cabell County Sheriff 750 Fifth Avenue, Room 101 Huntington, WV 25701 (304) 526-8664
Carl D. Ballengee Calhoun County Sheriff Post Office Box 340 Grantsville, WV 26147 (304) 354-6333	Garrett Samples Clay County Sheriff P.O. Drawer 429 Clay, WV 25043 (304) 587-4260	Michael Headley Doddridge County Sheriff Post Office Box 219 West Union, WV 26456 (304) 873-1000
Steve W. Kessler Fayette County Sheriff Post Office Box 509 Fayetteville, WV 25840 (304) 574-4216	Larry D. Gerwig Gilmer County Sheriff 10 Howard Street Glenville, WV 26351 (304) 462-7441	Emory W. Feaster, Jr. Grant County Sheriff 5 Highland Avenue Petersburg, WV 26847 (304) 257-1818
Jan L. Cahill Greenbrier County Sheriff Post Office Box 347 Lewisburg, WV 24901 (304) 647-6678	John P. Alkire Hampshire County Sheriff 66 North High Street, Room 2 Romney, WV 26757 (304) 822-3894	Ralph A. Fletcher Hancock County Sheriff Post Office Box 458 New Cumberland, WV 26047 (304) 564-3911
Bryan C. Ward Hardy County Sheriff Post Office Box 643 Moorefield, WV 26836 (304) 530-0222	Albert F. Marano Harrison County Sheriff 301 West Main Street Clarksburg, WV 26301 (304) 624-8550	Anthony J. Boggs Jackson County Sheriff Post Office Box 106 Ripley, WV 25271 (304) 373-2290
Peter H. Dougherty Jefferson County Sheriff 102 Industrial Boulevard Kearneysville, WV 25430 (304) 728-3205	John Rutherford Kanawha County Sheriff 301 Virginia Street, East Charleston, WV 25301 (304) 357-0216	Adam M. Gissy Lewis County Sheriff 110 Center Avenue Weston, WV 26452 (304) 269-8251
Ken Farley Lincoln County Sheriff Post Office Box 467 Hamlin, WV 25523 (304) 824-7999	S.M. Dingess Porter Logan County Sheriff 300 Stratton Street, Room 209 Logan, WV 25601 (304) 792-8590	Joseph N. Carpenter Marion County Sheriff Post Office Box 1348 Fairmont, WV 26555 (304) 367-5300
Kevin Cecil Marshall County Sheriff 601 6th Street Moundsville, WV 26041 (304) 843-1500	Greg Powers Mason County Sheriff 200 6th Street Point Pleasant, WV 25550 (304) 675-3838	Martin West McDowell County Sheriff 90 Wyoming Street, Suite 117 Welch, WV 24801 (304) 436-8541

Don Meadows Mercer County Sheriff 1501 Main Street, Suite 120 Princeton, WV 24740 (304) 487-8303	Jeremy Taylor Mineral County Sheriff 150 Armstrong Street Keyser, WV 26726 (304) 788-0341	James Smith Mingo County Sheriff Post Office Box 1270 Williamson, WV 25661 (304) 235-0300
Allen Kisner Monongalia County Sheriff 155 Chancery Row Morgantown, WV 26505 (304) 291-7260	Michael Gravely Monroe County Sheriff Post Office Box 350 Union, WV 24983 (304) 772-3018	Vincent E. Shambough Morgan County Sheriff 111 Fairfax Street Berkeley Springs, WV 25411 (304) 258-1067
David P. Hopkins Nicholas County Sheriff 700 Main Street, Suite 3 Summersville, WV 26651 (304) 872-7880	Patrick Butler Ohio County Sheriff Post Office Box 188 Wheeling, WV 26003 (304) 234-3784	Donald L. Hedrick Pendleton County Sheriff Post Office Box 687 Franklin, WV 26807 (304) 358-2214
D. Wayne Wilson II Pleasants County Sheriff 305 Barkwill Street St. Marys, WV 26170 (304) 684-2285	David R. Jonese Pocahontas County Sheriff 900A Tenth Avenue Marlinton, WV 24954 (304) 799-4445	Daniel R. Loughrie Preston County Sheriff 103 W. Main Street Kingwood, WV 26537 (304) 329-1611
Steve L. Deweese Putnam County Sheriff 3389 Winfield Road Winfield, WV 25213 (304) 586-0256	Steve Tanner Raleigh County Sheriff 215 Main Street Beckley, WV 25801 (304) 255-9195	Mark T. Brady Randolph County Sheriff Post Office Box 1338 Elkins, WV 26241 (304) 636-2100
Brian Backus Ritchie County Sheriff 109 North Street Harrisville, WV 26362 (304) 643-2262	Mike A. Harper Roane County Sheriff 200 Main Street Spencer, WV 25276 (304) 927-2540	Garry E. Wheeler Summers County Sheriff Post Office Box 157 Hinton, WV 25951 (304) 466-7111
Terring W. Skinner Taylor County Sheriff Post Office Box 189 Grafton, WV 26354 (304) 265-3428	Brian K. Wilfong Tucker County Sheriff 318 Second Street Parsons, WV 26287 (304) 478-2321	Earl P. Kendle, Jr. Tyler County Sheriff 121 Court Street Middlebourne, WV 26149 (304) 758-4229
David Coffman Upshur County Sheriff 38 W. Main Street Rm 103 Buckhannon, WV 26201 (304) 472-1185	Greg Farley Wayne County Sheriff 700 Hendricks Street Wayne, WV 25570 (304) 272-6378	David Bender Webster County Sheriff 2 Court Square, Rm. G-3 Webster Springs, WV 26288 (304) 847-2006
John Brookover Wetzel County Sheriff Post Office Drawer D New Martinsville, WV 26155 (304) 455-2430	D. Keith Wilson, Jr. Wirt County Sheriff Post Office Box 669 Elizabeth, WV 26143 (304) 275-4222	Ken Merritt Wood County Sheriff 328 Second Street Parkersburg, WV 26101 (304) 424-1834
Randall Aliff Wyoming County Sheriff Post Office Box 529 Pineville, WV 24874 (304) 732-8000		