WEST VIRGINIA CODE: §18B-4-5b

§18B-4-5b. Concealed carry on higher education campuses; exceptions.

(a) Subject to the provisions of subsection (b) of this section, a person holding a current and valid license to carry a concealed deadly weapon may carry a concealed pistol or revolver on the campus and in the buildings of a state institution of higher education. This subsection only applies to areas of the campus and buildings of a state institution of higher education under the custodial possession of the state institution of higher education and does not include areas rented, leased, or under an exclusive agreement for the full-time occupancy and use of a private entity.

(b) The provisions of subsection (a) of this section do not limit the authority of a state institution of higher education to regulate possession of a concealed pistol or revolver by a person holding a current and valid license to carry a concealed deadly weapon in the following locations when in compliance with §61-7-14 of this code:

(1) At an organized event taking place at a stadium or arena with a capacity of more than 1,000 spectators;

(2) At a daycare facility located on the property of the state institution of higher education;

(3) In the secure area of any building used by a law-enforcement agency on the property of the state institution for higher education;

(4) In an area of the property of the state institution of higher education that has adequate security measures in place to ensure that pistols or revolvers are not carried by the public into the area. As used in this section, "adequate security measures" means the use of electronic equipment and armed personnel at public entrances to detect and restrict the carrying of any pistols or revolvers into the area, including, but not limited to, metal detectors, metal detector wands, or any other equipment used for similar purposes to ensure that pistols or revolvers are not carried in those areas by members of the public;

(5) In an on-campus room or rooms in which a student or employee disciplinary proceeding is being held;

(6) In sole occupancy offices on the campus and in the buildings of the state institution of higher education. "Sole occupancy office" means a room with at least one door and walls that extend to the ceiling that is assigned to a single person as his or her workspace. This subdivision does not authorize a state institution of higher education to prohibit, regulate, or restrict faculty or staff members who hold a current and valid license to carry a concealed deadly weapon from carrying a concealed pistol or revolver in his or her assigned office;

(7) At a primary or secondary education school-sponsored function being held in a specific

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location on the property of the state institution of higher education that is rented, leased, or under the exclusive use of the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring;

(8) At a private function that is being held in a specific location on the property of the state institution of higher education that is rented, leased, or under the exclusive use of an entity that is not affiliated with the state institution of higher education for the actual period of time the function is occurring;

(9) In any area on the property of the state institution of higher education where possession of a firearm is prohibited by state or federal law;

(10) In specifically designated areas in which patient-care or mental health counseling is being provided;

(11) In high hazardous and animal laboratories, defined as laboratories with:

(A) Greater than 55 gallons of Class I flammable liquids and/or significant quantities of acids, bases, organics, pyrophorics, peroxides, bio-hazardous materials, extremely toxic materials, or pyrophoric or toxic gases classified NFPA 704 Category 3 or higher;

(B) Hazardous gases with K-size or larger cylinders containing corrosive, reactive, flammable, toxic, and/or oxidizer gases classified NFPA 704 Category 2 or higher;

(C) MRI and/or NMR equipment capable of generating significant magnetic fields with field strength of at least 5 gauss is measured outside the equipment or 5 gauss line typically at least 3 feet and as much as 20 feet from equipment;

(D) Large cylinders of acetylene; or

(E) Animal research laboratory spaces in locations not accessible to the public or generally accessible to students and staff, or

(12) In on-campus residence halls, except common areas such as lounges, dining areas, and study areas.

(c) An employee whose employment responsibilities require him or her to be in an on-campus residence hall and who holds a current and valid license to carry a concealed deadly weapon is permitted to carry a concealed revolver or pistol on or about his or her person while present in on-campus residence halls for purposes of his or her employment.

(d) Institutions of higher education shall provide either: (1) A secure location for the storage of a pistol or revolver in at least one of the institution's on-campus residence halls; or (2) make available an appropriate safe that may be installed in a resident's room in any of the institution's on-campus residence halls. If an institution chooses to make a storage room

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available to on-campus residents at an on-campus residence hall, the institution shall develop a policy that reserves an appropriate amount of rooms in the on-campus residence hall where the storage room is located for on-campus residents with a current and valid license to carry a concealed deadly weapon. The institution shall make the storage room available at all times during which the on-campus residence hall is open and fully operational for use by its residents. If West Virginia University chooses to provide secure locations instead of making safes available to students, it shall provide a secure location in at least two on-campus residence halls at its Morgantown campus and one at each of its Beckley and Keyser campuses.

(e) An institution of higher education may charge a reasonable fee for the use of the secure storage location or a safe.

(f) The provisions of subsection (a) of this section do not limit the authority of a state institution of higher education from taking disciplinary action against a student or employee with a valid license to carry a concealed deadly weapon who is convicted of a violation of §61-7-14 of this code related to carrying a firearm in a location listed in subsection (b) of this section.

(g) Notwithstanding any provision of subsection (a) of this section to the contrary, while on the campus or in the buildings of a state institution of higher education, a holder of a license to carry a concealed deadly weapon or any other person not expressly authorized to do so by the state institution of higher education, may not carry a pistol or revolver which is partially or wholly visible, or intentionally or knowingly display a firearm in plain view of another person in a way or manner to cause, or threaten, a breach of the peace, regardless of whether the firearm is holstered. A holder of a license to carry a concealed deadly weapon who violates this subsection may, in addition to any applicable criminal charges, be subject to discipline the state institution of higher education considers appropriate.

(h) It is the intent of the Legislature to establish, by this act, conditions under which persons with a current and valid license to carry a concealed deadly weapon may carry a concealed pistol or revolver at a state institution of higher education. When a person exercises the rights granted by this section, neither the carrying of a concealed pistol or revolver, nor any other conduct of person involving a concealed pistol or revolver, shall be construed to be an act of the state institution of higher education nor of the state, and no liability for any such actions of such person shall be imputed to the state institution of higher education, its officers, agents, or employees, unless the state institution of higher education has expressly requested or directed such person to carry a concealed pistol or revolver: *Provided*, That the failure to provide adequate security measures at any building or location at a state institution of higher education where the carrying of a concealed pistol or revolver is not permitted shall not give rise to a cause action or any liability whatsoever related to or arising from the carrying of a concealed pistol or revolver by any person.

(i) For the purposes of this section, a "license to carry a concealed deadly weapon" refers to a current and valid license, lawfully issued by the State of West Virginia pursuant to §61-7-4

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or §61-7-4a of this code, or a current and valid license or permit recognized under §61-7-6a of this code.

(j) These amendments to this section enacted during the regular session of the Legislature, 2023, may be cited as the Campus Self-defense Act.

(k) The provisions of this section apply on or after July 1, 2024.

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