WEST VIRGINIA CODE: §20-7-8

§20-7-8. Seizure and disposition of property used for illegal purpose.

(a) Any officer, when he or she arrests or otherwise takes a person into custody for violating any provision or provisions of this chapter, may take and impound any property found in the possession of the accused and susceptible of use in committing the offense of which the person is accused. The property includes firearms, fishing equipment, traps, boats, or any other device, appliance or conveyance, but does not include dogs. Reasonable care shall be provided in order to protect the condition of the item or items impounded.

(b) If the accused is acquitted the property seized shall be returned. If the accused is convicted and pays the fine, costs and other penalties, the property shall be returned, but if the accused fails to pay the fine and costs, the property shall be sold at public auction in a manner the director prescribes. The proceeds of the sale shall be applied toward the payment of the fine and costs. The remainder, if any, shall be paid to the owner of the seized property.

(c) Whenever a person is convicted of a violation of this chapter a second time, the property seized at the time of arrest shall in any case be declared forfeited to the state and shall be sold in the manner provided by this section.

(d) Property seized, the use of which is forbidden by this chapter, or which is unfit or unsafe for further use, shall be declared forfeited to the state and shall be disposed of by the director.

(e) Notwithstanding any provision of this section to the contrary, disposition of firearms not returned pursuant to subsection (b) above shall be solely in accordance with the provisions of article eight-a, chapter thirty-six of this code.

WVLegislature