

# WEST VIRGINIA CODE: §61-7B-3

## **§61-7B-3. Definitions.**

For purposes of this article, the following words and phrases have the following meaning:

“Commandeering” means taking control of or seizing the assets, personnel, or operations of an agency of this state, or of a political subdivision of this state, or the employees of an agency or political subdivision of this state without the express authority for the control having been formally given by the state or political subdivision of the state.

“Federal commandeering” means commandeering by the government of the United States, or any department, bureau, agency, or commission of the assets, personnel, operations, or employees of an agency of this state, or of a political subdivision.

“Inconsistent federal firearms law, regulation, or rule” means a federal statute, regulation, or rule relating to firearms, firearms accessories, or ammunition that is inconsistent with the laws of the State of West Virginia. Inconsistent federal firearms law also means and includes any federal firearms law which the enactment, enforcement, or execution of which violates the Second Amendment of the Constitution of the United States.

“Inconsistent presidential firearms executive order or action” means an executive order or action issued by the President of the United States relating to the enforcement or execution of an inconsistent federal firearms law.

“Inconsistent with the law of West Virginia” in the context of an inconsistent federal firearms law means a federal firearms law which criminalizes the possession of a firearm, firearm accessory, or ammunition for federal purposes when the possession of that firearm, firearm accessory or ammunition would not be, and is not, a violation of the law of the State of West Virginia.

“New inconsistent federal firearms law” means an inconsistent federal firearms law that was not in effect prior to January 1, 2021.

“New inconsistent presidential firearms executive order or action” means an inconsistent presidential firearms executive order or action which was not in effect prior to January 1, 2021.

“Red flag law” means a law under which a person may petition for a court to temporarily take away another person’s right to possess a firearm which it is otherwise lawful under the law of West Virginia for the respondent to possess.