WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

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ENROLLED

HOUSE BILL No. 717

(By Mr. Withrow and Mr. Green)

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PASSED February 16, 1974

In Effect 60 days from Passage

C 641

714
AN ACT to amend and reenact section five, article five, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the right of guards at the penitentiary to carry firearms and concealed weapons only during the performance of their duties.

Be it enacted by the Legislature of West Virginia:

That section five, article five, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. THE PENITENTIARY.

§28-5-5. Appointment of other assistants and employees; duties of guard; right to carry weapons.

The warden of the penitentiary shall, in the manner provided in section eleven, article one, chapter twenty-five of this code, appoint all assistants and employees required for the management of the penitentiary, including a sufficient number of guards to preserve order and enforce discipline among the convicts, to prevent escapes, and to remove all persons convicted and sentenced to the penitentiary from the place where confined to the penitentiary, all of whom shall be under the control of the warden. The warden may at his discretion issue a certificate authorizing any guard to carry firearms and concealed weapons while on duty. Any guard appointed as herein provided and authorized by the warden shall have the right, without a state license therefor, to carry firearms and concealed weapons while on duty. Each guard
appointed as aforesaid shall carry with him a certificate, 
authorizing him to carry a firearm or concealed weapon 
when he is performing his official duties as a guard, bearing 
the official signature of the warden of the penitentiary. Such 
right shall be extended to a guard during the time he travels 
from place to place within the state for the purpose of re-
moving prisoners from county jails to the penitentiary, and 
during the time he is pursuing and apprehending escaped 
convicts, and during any other time he is performing his 
official duties as a guard, but a guard shall not have the 
right to carry a firearm or concealed weapon for any other 
purpose or during any other time, including when he travels 
to and from his residence and the penitentiary, unless he 
shall have obtained a state license therefor in the manner 
prescribed in section two, article seven, chapter sixty-one 
of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 25th day of February, 1974.

Governor
PRESENTED TO THE GOVERNOR

Date  2/21/14
Time  11:00 a.m.