

JUN 23 10 30 AM '76

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1975

— ● —

ENROLLED

HOUSE BILL No. 658

(By Mr. Chapin)

— ● —

PASSED March 8, 1975

In Effect ninty days from Passage



C 641

658

1

ENROLLED

H. B. 658

(By MR. CHAFIN)

[Passed March 8, 1975; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article seven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to licenses to carry weapons and the required procedures in obtaining such licenses; relating to the application to be filed to obtain any such license and the allegations which must be set forth therein; requiring applicant to qualify under minimum requirements for handling and firing firearms established by the department of natural resources; relating to the fee which must be paid and the bond which must be filed and the amounts thereof; relating to the territory covered by and the duration of every such license, including a license granted to a security guard; relating to duties of sheriff and state tax commissioner; relating to notification to the department of public safety and a fee therefor; and relating to duties of clerk of circuit court.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-2. License to carry weapons; how obtained.

- 1 Any person desiring to obtain a state license to carry any
- 2 such weapon as is mentioned in the first section of this article,
- 3 within one or more counties in this state, shall first publish a

4 notice setting forth his name, residence and occupation, and
5 that on a certain day he will apply to the circuit court of his
6 county for such state license. Such notice shall be published
7 as a Class I legal advertisement in compliance with the pro-
8 visions of article three, chapter fifty-nine of this code, and the
9 publication area for such publication shall be the county in
10 which such person resides. Such notice shall be published at
11 least ten days before such application is made. After the
12 publication of such notice and at the time stated in such
13 notice, upon application to such court, it may grant such li-
14 cense to such person; in the following manner, to wit:

15 The applicant shall file with such court his application in
16 writing, duly verified, which application shall show:

17 (a) That such applicant is a citizen of the United States of
18 America;

19 (b) That the applicant has been a bona fide resident of this
20 state for at least one year next prior to the date of such appli-
21 cation, and of the county sixty days next prior thereto;

22 (c) That the applicant is over eighteen years of age; that
23 he is a person of good moral character, of temperate habits,
24 not addicted to intoxication, not addicted to the use of any con-
25 trolled substance, and has not been convicted of a felony or of
26 any offense involving the use on his part of such weapon in an
27 unlawful manner, and shall prove to the satisfaction of the court
28 that he is gainfully employed in a lawful occupation and has
29 been so engaged for a period of five years next preceding the
30 date of his application;

31 (d) The purpose or purposes for which the applicant desires
32 to carry such weapon, the necessity therefor, and the county or
33 counties in which such license is desired to be effective; and

34 (e) That the applicant has qualified under minimum re-
35 quirements for handling and firing such firearms. These
36 minimum requirements are those promulgated by the de-
37 partment of natural resources and attained under the auspices
38 of the department of natural resources.

39 Upon the hearing of such application the court shall hear
40 evidence upon all matters stated in such application and

41 upon any other matter deemed pertinent by the court, and
42 if such court be satisfied from the proof that there is good
43 reason and cause for such person to carry such weapon, and
44 all of the other conditions of this article be complied with,
45 the court, or the judge thereof in vacation, may grant such
46 license for such purposes, and no other, as such court, or the
47 judge in vacation, may set out in the license (and the word
48 "court" as used in this article shall include the circuit judge
49 thereof, acting either in term or vacation); but, before such
50 license shall be effective such person shall pay to the sheriff,
51 and the court shall so certify in its order granting the license, the
52 sum of fifty dollars, and shall also file a bond with the clerk of
53 such court, in the penalty of five thousand dollars, with good
54 security, signed by a responsible person or persons, or by some
55 surety company, authorized to do business in this state, condi-
56 tioned that such applicant will not carry such weapon except in
57 accordance with his application and as authorized by the court,
58 and that he will pay all costs and damages accruing to any per-
59 son by the accidental discharge or improper, negligent or illegal
60 use of such weapon or weapons. Any such license granted shall
61 be good for three years, unless sooner revoked, as hereinafter
62 provided, and be coextensive with the county in which granted,
63 and such other county or counties as the court shall designate in
64 the order granting such license; except that upon a proper
65 showing the court granting such license to any person regularly
66 employed as a security guard may, in its discretion, in the order
67 granting such license extend the period of the validity of such
68 license for a period not to exceed four years, under such terms
69 and conditions as the court deems proper; except that regularly
70 appointed deputy sheriffs having license shall be permitted to
71 carry such revolver or other weapons at any place, within the
72 state, while in the performance of their duties as such deputy
73 sheriffs; and except that any such license granted to regularly
74 appointed railway police shall be coextensive with the state. All
75 license fees collected hereunder shall be paid by the sheriff and
76 accounted for to the auditor as other license taxes are collected
77 and paid, and the state tax commissioner shall prepare all suit-
78 able forms for licenses, bonds and certificates showing that such
79 license has been granted and shall do anything else in the prem-
80 ises to protect the state and see to the enforcement of this
81 section.

82 The clerk of the circuit court shall, immediately after license
83 is granted as aforesaid, furnish the superintendent of the de-
84 partment of public safety a certified copy of the order of the
85 court granting such license, for which service the clerk shall be
86 paid a fee of two dollars which shall be taxed as cost in the pro-
87 ceeding. It shall be the duty of the clerk of each circuit court to
88 furnish to the superintendent of the department of public safety,
89 at any time so required, a certified list of all such licenses issued
90 in his county.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis

Chairman Senate Committee

Clarence T. Christy

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. C. Siler

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

H. B. Burton

President of the Senate

Lewis F. H. Thorne

Speaker House of Delegates

The within *approved* this the *25th*
day of *March*, 1975.

Arthur A. Massey, Jr.

Governor

PRESENTED TO THE
GOVERNOR

Date 3/19/75

Time 4:10 p.m.