

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-31-82

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

— ● —

# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1362

(By Mr. Hendricks)

— ● —

Passed March 11, 1982

In Effect Ninety Days From Passage



**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**H. B. 1362**

(By MR. HENDRICKS)

[Passed March 11, 1982; in effect ninety days from passage.]

AN ACT to amend article twelve, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section five-a, relating to the general powers of municipalities, their governing bodies, officers and employees; and limiting the power of such municipalities to regulate the ownership of any revolver, pistol, rifle or shotgun or the ammunition used therewith.

*Be it enacted by the Legislature of West Virginia:*

That article twelve, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section five-a, to read as follows:

**ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.**

**§8-12-5a. Limitations upon municipalities' power to restrict ownership of certain weapons and ammunition.**

1 The provisions of section five of this article notwithstand-  
2 ing, neither a municipality nor the governing body of any  
3 municipality shall have the power to limit the right of any

4 person to own any revolver, pistol, rifle or shotgun or any  
5 ammunition or ammunition components to be used therewith  
6 nor to so regulate the keeping of gunpowder so as to directly or  
7 indirectly prohibit the ownership of such ammunition. Nothing  
8 herein shall in any way impair the authority of any munic-  
9 pality, or the governing body thereof, to enact any ordinance or  
10 resolution respecting the power to arrest, convict and punish  
11 any individual under the provisions of subdivision (16), sec-  
12 tion five of this article or from enforcing any such ordinance  
13 or resolution.

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

*R. P. Bayler*  
Chairman Senate Committee

*Tommy E. Whitlow*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Irwin C. Wright*  
Clerk of the Senate

*W. Blankenship*  
Clerk of the House of Delegates

*Warren R. McBean*  
President of the Senate

*Walter M. See, Jr.*  
Speaker House of Delegates

The within is approved this the 31  
day of March, 1982.

*John A. Reynolds*  
Governor

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OFFICE OF THE GOVERNOR

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SECRET  
SECY. OF STATE