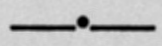


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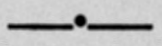
WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1985



**ENROLLED**

*Committee Substitute for*  
SENATE BILL NO. 680

(By Mr. Boettner)



PASSED April 13 1985

In Effect ninety days from Passage



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 680**

(By MR. BOETTNER, *original sponsor*)

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(Originating in the Committee on the Judiciary.)

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[Passed April 13, 1985; in effect ninety days from passage.]

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AN ACT to amend and reenact section fifty-eight, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section twelve, article seven, chapter sixty-one of said code, all relating to allowing the operator of a gun repair shop to be exempt from the statutory prohibition, subject to rules and regulations prescribed by the director of the department of natural resources.

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

That section fifty-eight, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section twelve, article seven, chapter sixty-one of said code, be amended and reenacted, all to read as follows:

**CHAPTER 20. NATURAL RESOURCES.**

**ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-58. Shooting across road or near building or crowd; penalty.**

1 It shall be unlawful for any person to shoot or discharge  
2 any firearms across or in any public road in this state, at  
3 any time, or within four hundred feet of any school-  
4 house or church, or within five hundred feet of any  
5 dwelling house, or on or near any park or other place  
6 where persons gather for purposes of pleasure, and any  
7 person violating this section is guilty of a misdemeanor:  
8 *Provided*, That any person operating a gun repair shop,  
9 licensed to do business in the state of West Virginia and  
10 duly licensed under applicable federal statutes, may be  
11 exempted from the prohibition established by this section  
12 and section twelve, article seven, chapter sixty-one of  
13 this code for the purpose of test firing a firearm. The  
14 director of the department of natural resources shall  
15 prescribe such rules as may be necessary to carry out the  
16 purpose of the exemption under this section and section  
17 twelve, article seven, chapter sixty-one and shall ensure  
18 that any person residing in any dwelling home within  
19 five hundred feet of such gun repair shop be given an  
20 opportunity to protest the granting of such exemption.

**CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

**ARTICLE 7. DANGEROUS WEAPONS.**

**§61-7-12. Shooting across road or near building or crowd; penalty.**

1 It shall be unlawful for any person to shoot or dis-  
2 charge any firearms across or in any public road in this  
3 state, at any time, or within four hundred feet of any  
4 schoolhouse or church, or within five hundred feet of any  
5 dwelling house, or on or near any park or other place  
6 where persons gather for purposes of pleasure, and any  
7 person violating this section is guilty of a misdemeanor,  
8 and, upon conviction thereof, shall be fined not less than  
9 ten nor more than one hundred dollars, or, be imprisoned  
10 in the county jail not more than one hundred days for

11 each offense: *Provided*, That any person operating a gun  
12 repair shop, licensed to do business in the state of West  
13 Virginia and duly licensed under applicable federal  
14 statutes, may be exempted from the prohibition estab-  
15 lished by this section and section fifty-eight, article two,  
16 chapter twenty of this code for the purpose of test firing  
17 a firearm. The director of the department of natural  
18 resources shall prescribe such rules as may be necessary  
19 to carry out the purposes of the exemption under this  
20 section and section fifty-eight, article two, chapter  
21 twenty, and shall ensure that any person residing in any  
22 dwelling home within five hundred feet of such gun  
23 repair shop be given an opportunity to protest the grant-  
24 ing of such exemption.

*Approved and passed*  
*Wm. W. [unclear]*  
*Sec. [unclear]*

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

*Harrell E. Akman*  
Chairman Senate Committee

*Floyd Fuller*  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Judd C. Wicks*  
Clerk of the Senate

*Donald L. Kopp*  
Clerk of the House of Delegates

*Dan Tomlin*  
President of the Senate

*Joseph P. Allright*  
Speaker House of Delegates

The within *approved* this the *2<sup>nd</sup>*  
*May*, 1985.

*Arthur. Prange, Jr.*  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/85

Time 7:53 p.m.