

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987

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# ENROLLED

Com. Sub. for  
HOUSE BILL No. 2141

(By Delegate A. Hoop + Nause)

— ● —

Passed March 2, 1987

In Effect Ninety Days From Passage

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OFFICE OF THE ATTORNEY GENERAL  
SECRETARY OF STATE

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 2141**  
(By DELEGATES ROOP and HAWSE)

[Passed March 2, 1987; in effect ninety days from passage.]

AN ACT to amend article one-b, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-two; and to amend and reenact section three, article seven, chapter sixty-one of said code, all relating to the training and certification of national guard security guards as law-enforcement officers; granting such security guards the power to make arrests on military installations; and making an exception to the prohibition against carrying dangerous weapons for members of the organized militia of the state while such members are employed as security guards to safeguard military property under the command of the adjutant general.

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

That article one-b, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-two, and that section three, article seven, chapter sixty-one of said code, be amended and reenacted, all to read as follows:

## CHAPTER 15. PUBLIC SAFETY.

### ARTICLE 1B. NATIONAL GUARD.

#### **§15-1B-22. Military facilities; security guards; qualifications; duties; powers.**

1 (a) Notwithstanding any provision of this code to the  
2 contrary, bona fide members of the West Virginia  
3 National Guard assigned by the adjutant general to  
4 function as security guards to safeguard military  
5 property of the state or of the United States who have  
6 successfully completed a training program in law  
7 enforcement approved by the adjutant general and the  
8 superintendent of the West Virginia Department of  
9 Public Safety, shall be deemed to have met all the  
10 requirements for certification as a law-enforcement  
11 officer set forth in section five, article twenty-nine,  
12 chapter thirty of this code. Those members of the West  
13 Virginia National Guard who are so designated as  
14 security guards and who have successfully completed  
15 such training program are hereby empowered:

16 (1) To make arrests on military installations of the  
17 state or of the United States for any violations of the law  
18 of this state or of the United States occurring on any  
19 such military installation; and

20 (2) To cooperate with state and local authorities in  
21 detecting and apprehending any person or persons  
22 engaged in or suspected of the commission of any crime,  
23 misdemeanor or offense against the law of this state or  
24 of the United States, or of any ordinance of any  
25 municipality of this state if such is committed or  
26 attempted to be committed on a military installation in  
27 this state.

28 (b) Any security guard, duly appointed by the adju-  
29 tant general, knowing or having reasonable cause to  
30 believe that a person has violated the law while situate  
31 on a military installation, may make complaint in  
32 writing before any court or officer having jurisdiction  
33 and procure a warrant for such person.

34 (c) For the purposes of this section, the term "military  
35 installation" shall mean a facility under the command  
36 of the adjutant general.

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

### **ARTICLE 7. DANGEROUS WEAPONS.**

#### **§61-7-3. Exceptions as to prohibition against carrying deadly weapons.**

1        Nothing in this article shall prevent any person from  
2        carrying any such weapon as is mentioned in the first  
3        section of this article, in good faith and not having  
4        felonious purposes, upon his own premises; nor shall  
5        anything herein prevent a person from carrying any  
6        such weapon, unloaded, from the place of purchase to  
7        his home or residence, or to a place of repair and back  
8        to his home or residence; nor shall anything herein  
9        prevent a guard at the West Virginia penitentiary duly  
10       appointed in conformity with section five, article five,  
11       chapter twenty-eight of the code of West Virginia, from  
12       carrying any such weapon while on duty; nor shall  
13       anything herein prevent a bona fide member of the  
14       organized militia of this state, or of the reserve officers  
15       component of the United States army, from carrying  
16       such weapon while in the performance of his official  
17       duties as such; nor shall anything herein prevent any  
18       member of the organized militia of this state, whether  
19       designated a civilian or otherwise, and whether in the  
20       active service of the state or on state duty or otherwise,  
21       from carrying such weapon during the hours such  
22       member is employed as a security guard to safeguard  
23       military property of the state or of the United States and  
24       while such member is on facilities under the command  
25       of the adjutant general; nor shall anything herein  
26       prevent any member of a properly organized target-  
27       shooting club authorized by law to obtain firearms by  
28       purchase or requisition from this state, or from the  
29       United States for the purpose of target practice, from  
30       carrying any revolver or pistol mentioned in this article,  
31       unloaded, from his home or place of residence to a place  
32       of target practice, and from any such place of target  
33       practice back to his home or residence, or using any  
34       such weapon at such place of target practice in training  
35       and improving his skill in the use of such weapons; but  
36       nothing herein shall be construed to authorize any  
37       employee of any person, firm or corporation doing

38 business in this state to carry, on or about the premises  
39 of such employer, any such pistol, or other weapon  
40 mentioned in this article, for which a license is herein  
41 required, without having first obtained the license and  
42 given the bond as herein provided.

43 The term "security guard" as used in this section shall  
44 not be limited to only those persons with a military  
45 designation as such security guard.

46 Notwithstanding any other provision of this article or  
47 any other provision of this code, any resident, nonres-  
48 ident or unnaturalized person may lawfully possess,  
49 transport, carry and use any firearm he is permitted to  
50 use for hunting under any valid license he has been  
51 issued by the department of natural resources and  
52 which he holds in his possession. At all times such  
53 person shall comply with all of the requirements of law  
54 set forth in this code and the rules and regulations  
55 promulgated thereunder pertaining to possessing,  
56 transporting, carrying and using firearms for hunting.

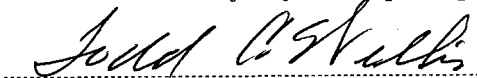
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

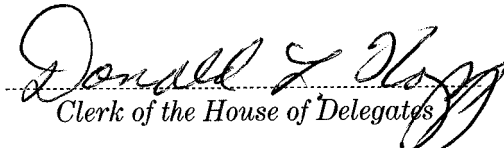
  
Chairman Senate Committee

  
Chairman House Committee

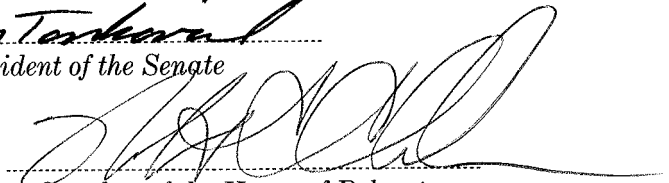
Originating in the House.


Takes effect ninety days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within  this the 9th  
day of March, 1987.

  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/6/87

Time 4:34 p.m.