

516-Veto

**WEST VIRGINIA LEGISLATURE**

REGULAR SESSION, 1988



**ENROLLED**

**SENATE BILL NO.** 516

(By Senator TUCHER)



**PASSED** MARCH 11, 1988

In Effect 90 DAYS FROM Passage



**ENROLLED**  
**Senate Bill No. 516**  
(BY SENATOR TUCKER)

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[Passed March 11, 1988; in effect ninety days from passage.]

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AN ACT to amend and reenact section eight, article seven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to dangerous weapons; possession of machine guns, submachine guns and other fully automatic weapons regulated; increasing permit fee; confiscation procedures; and removing high-powered rifles from operation of the statute.

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

That section eight, 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.**

**§61-7-8. Possession of machine guns permit; illegal aliens may not possess firearms.**

1 It shall be unlawful for any person to carry, transport or  
2 have in his possession, any machine gun, submachine gun or  
3 any other fully automatic weapon, except on his own  
4 premises or premises leased to him for a fixed term, until  
5 such person shall have first obtained authorization from the  
6 superintendent of the department of public safety of this  
7 state, or until authorization therefor shall have been

8 obtained from the circuit court as in the case of revolvers  
9 and pistols, and all such authorizations, together with the  
10 numbers identifying such firearms, shall be certified to the  
11 superintendent of the department of public safety.

12 No such authorization shall be granted by the  
13 superintendent except in cases of riot, public danger and  
14 emergency until such applicant shall have filed his written  
15 application with the superintendent in accordance with the  
16 rules and regulations that may be from time to time  
17 prescribed by the department of public safety relative  
18 thereto, which application shall be accompanied by a fee of  
19 twenty-five dollars to be used in defraying the expense of  
20 issuing such permit, and such application shall contain the  
21 same provisions as are required to be shown under the  
22 provisions of section two of this article by applicants for a  
23 state license to carry a weapon, and shall be duly verified by  
24 such applicant and at least one other reputable citizen of  
25 this state. Any such authorization as granted under the  
26 provisions of this section may be revoked by the governor  
27 for cause, and, upon the revocation of any such  
28 authorization, the department of public safety shall  
29 immediately seize and take possession of any machine gun,  
30 submachine gun or any other fully automatic weapon, held  
31 by reason of such authorization. The department of public  
32 safety shall also confiscate any such machine gun,  
33 submachine gun or any other fully automatic weapon, if the  
34 department of public safety proves to the circuit court that  
35 the machine gun, submachine gun or other fully automatic  
36 weapon was carried, transported or possessed contrary to  
37 the provisions of this section. The department shall safely  
38 store and keep the same, subject to the further order of the  
39 court.

40 No illegal alien may own, keep, possess, transport, carry  
41 or use any firearm.

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

*Gene O. Williams*  
.....  
Chairman Senate Committee

*Donald V. Kelly*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Jedd C. Stills*  
.....  
Clerk of the Senate

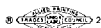
*Donald L. Kopp*  
.....  
Clerk of the House of Delegates

*Don Tomlin*  
.....  
President of the Senate

*John W. Bricker*  
.....  
Speaker House of Delegates

The within *disapproved* this the *9<sup>th</sup>*  
*March* day of ..... 1988.

*Hubert H. Brown*  
.....  
Governor



PRESENTED TO THE

GOVERNOR

Date 3/19/88

Time 4:02 p.m.

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SECRETARY OF STATE