WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1988

ENROLLED

SENATE BILL NO. 516

(By Senator TUCHER)

PASSED MARCH 11, 1988
In Effect 90 DAYS FROM Passage
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
obtained from the circuit court as in the case of revolvers and pistols, and all such authorizations, together with the numbers identifying such firearms, shall be certified to the superintendent of the department of public safety.

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

No illegal alien may own, keep, possess, transport, carry or use any firearm.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Todd A. Bates
Clerk of the Senate

Donald E. Hoppe
Clerk of the House of Delegates

Terrence L. Cole
President of the Senate

Jeffrey C. Miller
Speaker House of Delegates

The within disapproved this the 31st day of March, 1988.

Ann. P. Hermel
Governor