

No. 536

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



ENROLLED

Committee Substitute for
SENATE BILL NO. 536

(By Senators *Harpe and Tucker*)



PASSED March 8, 1988

In Effect ninety days from Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 536

(SENATORS SHARPE AND TUCKER, *original sponsors*)

[Passed March 8, 1988; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article seven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to renewal applicants not being required to undergo firearms safety courses with court waiver; that the initial license period be extended to five years; and extending the license for a successive five-year period to renewal applicants meeting basic qualifications and having a renewal bond in place.

Be it enacted by the Legislature of West Virginia:

That section two, 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.

§61-7-2. License to carry weapons; how obtained.

1 (a) Any person desiring to obtain a state license to carry
2 any such weapon as is mentioned in the first section of this
3 article, within one or more counties in this state, shall first
4 publish a notice setting forth his name, residence and
5 occupation, and that on a certain day he will apply to the
6 circuit court of his county for such state license. Such notice
7 shall be published as a Class I legal advertisement in
8 compliance with the provisions of article three, chapter
9 fifty-nine of this code, and the publication area for such
10 publication shall be the county in which such person
11 resides. Such notice shall be published at least ten days
12 before such application is made. After the publication of
13 such notice and at the time stated in such notice, upon

14 application to such court, it may grant such license to such
15 person, in the following manner, to wit:

16 (b) The applicant shall file with such court his
17 application in writing, duly verified, which application
18 shall show, as basic qualifications, as follows:

19 (1) That such applicant is a citizen of the United States
20 of America;

21 (2) That the applicant has been a bona fide resident of
22 this state for at least one year next prior to the date of such
23 application, and of the county sixty days next prior thereto;

24 (3) That the applicant is over eighteen years of age; that
25 he is a person of good moral character, of temperate habits,
26 not addicted to intoxication, not addicted to the use of any
27 controlled substance, and has not been convicted of a felony
28 or of any offense involving the use on his part of such
29 weapon in an unlawful manner, and shall prove to the
30 satisfaction of the court that he is gainfully employed in a
31 lawful occupation and has been so engaged for a period of
32 five years next preceding the date of his application;

33 (4) The purpose or purposes for which the applicant
34 desires to carry such weapon, the necessity therefor, and the
35 county or counties in which such license is desired to be
36 effective; and

37 (5) That the applicant has qualified under minimum
38 requirements for handling and firing such firearms. These
39 minimum requirements are those promulgated by the
40 department of natural resources and attained under the
41 auspices of the department of natural resources: *Provided*,
42 That the court may waive this requirement in the case of a
43 renewal applicant who has previously qualified.

44 (c) Upon the hearing of such application the court shall
45 hear evidence upon all matters stated in such application
46 and upon any other matter deemed pertinent by the court,
47 and if such court be satisfied from the proof that there is
48 good reason and cause for such person to carry such
49 weapon, and all of the other conditions of this article be
50 complied with, the court, or the judge thereof in vacation,
51 may grant such license for such purposes, and no other, as
52 such court, or the judge in vacation, may set out in the
53 license (and the word "court" as used in this article shall
54 include the circuit judge thereof, acting either in term or
55 vacation); but, before such license shall be effective such
56 person shall pay to the sheriff, and the court shall so certify

57 in its order granting the license, the sum of fifty dollars, and
58 shall also file a bond with the clerk of such court, in the
59 penalty of five thousand dollars, with good security, signed
60 by a responsible person or persons, or by some surety
61 company, authorized to do business in this state,
62 conditioned that such applicant will not carry such weapon
63 except in accordance with his application and as authorized
64 by the court, and that he will pay all costs and damages
65 accruing to any person by the accidental discharge or
66 improper, negligent or illegal use of such weapon or
67 weapons.

68 (d) Any such initial license granted shall be good for five
69 years, unless sooner revoked, as hereinafter provided, and
70 be coextensive with the county in which granted, and such
71 other county or counties as the court shall designate in the
72 order granting such license:

73 (1) Except that regularly appointed deputy sheriffs
74 having license shall be permitted to carry such revolver or
75 other weapons at any place, within the state, while in the
76 performance of their duties as such deputy sheriffs;

77 (2) Except that any such license granted to regularly
78 appointed railway police shall be coextensive with the
79 state; and

80 (3) Except that any such license shall be extended for a
81 successive five-year period upon a showing to the court that
82 the renewal applicant meets the basic qualifications set
83 forth in this section and has a renewal bond in place.

84 (e) All license fees collected hereunder shall be paid by
85 the sheriff and accounted for to the auditor as other license
86 taxes are collected and paid, and the state tax commissioner
87 shall prepare all suitable forms for licenses, bonds and
88 certificates showing that such license has been granted and
89 shall do anything else in the premises to protect the state
90 and see to the enforcement of this section.

91 (f) The clerk of the circuit court shall, immediately after
92 license is granted as aforesaid, furnish the superintendent
93 of the department of public safety a certified copy of the
94 order of the court granting such license; for which service
95 the clerk shall be paid a fee of two dollars, which shall be
96 taxed as costs in the proceeding. It shall be the duty of the
97 clerk of each circuit court to furnish to the superintendent
98 of the department of public safety, at any time so required, a
99 certified list of all such licenses issued in his county.

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

George O. Winters
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Judd C. Welch
.....
Clerk of the Senate

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

Sam Tankership
.....
President of the Senate

Walter R. Clift
.....
Speaker House of Delegates

The within *approved* this the *28th*
March day of 1988.

Archa Duncan Jr.
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/10/88

Time 3:20 p.m.

RECEIVED

1900 MAR 31 11 30 AM '00

SECRETARY OF STATE