

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

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SENATORIAL STAFF
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SENATE BILL NO. 127

(By Senator s Jackson and Harner)

PASSED March 9, 1990

In Effect 90 days from Passage

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WEST VIRGINIA LEGISLATURE

ENROLLED
Senate Bill No. 127

(By SENATORS JACKSON AND WARNER)

[Passed March 9, 1990; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-five, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to rules for the administration of the division of public safety and carrying of weapons upon retirement or medical discharge.

Be it enacted by the Legislature of West Virginia:

That section twenty-five, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. DIVISION OF PUBLIC SAFETY.

§15-2-25. Rules and regulations generally; carrying of weapons upon retirement or medical discharge.

1 Subject to the written approval of the governor and
2 the provisions of this article, the superintendent may
3 make and promulgate proper rules and regulations for
4 the government, discipline and control of the division
5 of public safety, and shall also cause to be established
6 proper rules and regulations for the examinations of
7 all applicants for appointment thereto. The members

8 of the division of public safety shall be permitted to
9 carry arms and weapons, and no license shall be
10 required for such privilege.

11 Upon retirement or medical discharge from the
12 division of public safety, and with the written consent
13 of the superintendent, any retired or medically dis-
14 charged member may carry a handgun for a period of
15 five years following retirement or medical discharge
16 notwithstanding the provisions of article seven, chap-
17 ter sixty-one of this code. A retired or medically
18 discharged member desiring to carry a handgun after
19 retirement or medical discharge must provide his or
20 her own handgun. If, upon retirement or medical
21 discharge a member elects to carry a handgun as
22 provided herein, the division of public safety shall
23 maintain and pay for the bond required under the
24 provisions of section five of this article for five years
25 following such member's retirement or medical dis-
26 charge. Upon request, each member shall be presented
27 with a letter of authorization signed by the superin-
28 tendent authorizing the retired or medically dis-
29 charged member to carry a handgun, and the written
30 authorization shall be carried by the retired or med-
31 ically discharged member at all times that he or she
32 has a handgun on his or her person. The superinten-
33 dent may revoke the authority at any time without
34 cause and without recourse. Conviction of the retired
35 or medically discharged member for the commission
36 of any felony or for a misdemeanor involving the
37 improper or illegal use of a firearm shall cause this
38 authority to terminate immediately without a hearing
39 or other recourse and without any action on the part
40 of the superintendent. The superintendent shall
41 promulgate a legislative rule in accordance with the
42 provisions of chapter twenty-nine-a of this code, which
43 rule shall prescribe requirements necessary for the
44 issuance and continuance of the authority herein
45 granted. The authority granted herein shall be for a
46 period of five years immediately following retirement
47 or medical discharge and shall not be renewed or
48 extended for a longer term.

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

Frederick L. Harris
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Harrell E. McLean
Clerk of the Senate

Donald L. Hoop
Clerk of the House of Delegates

Keith S. Moxette
President of the Senate

Bob McClure
Speaker House of Delegates

The within is approved this the 30th day of March, 1990.

Walter C. Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/40

Time 10:12 am