WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

ENROLLED

HOUSE BILL No. 2013

(By Delegate Love)

Passed March 11, 1995

In Effect 30 days from Passage
ENROLLED

H. B. 2013

(BY DELEGATE LOVE)

[Passed March 11, 1995; in effect ninety days from passage.]

AN ACT to amend article fourteen, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section seventeen-d; to amend article fourteen, chapter eight of said code by adding thereto a new section, designated section twenty-four; to amend and reenact section two, article seven, chapter twenty of said code; and to amend and reenact section four, article seven, chapter sixty-one of said code, all relating to retired law-enforcement officers; requiring law-enforcement agency to provide identification card for honorably retiring member and permitting honorably retiring member to retain a complete standard uniform; identifying occasions on which retired member may wear uniform; permitting honorably retired officer to acquire a badge; bringing conservation officer employment qualifications into compliance with the Federal Age Discrimination in Employment Act; and exempting retired law-enforcement officer from certain requirements to obtain license to carry a concealed deadly weapon.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 14. CIVIL SERVICE FOR DEPUTY SHERIFFS.

§7-14-17d. Right to receive complete standard uniform; and right to acquire badge.

A deputy sheriff, upon honorable retirement, shall be authorized to maintain at his or her own cost a complete standard uniform from the law-enforcement agency of which he or she was a member, and shall be issued an identification card indicating his or her honorable retirement from the law-enforcement agency. The uniform may be worn by the officer in retirement only on the following occasions: Police Officer's Memorial Day, Law Enforcement Appreciation Day, at the funeral of a law-enforcement officer or during any other police ceremony. The honorably retired officer is authorized to acquire a badge of the law-enforcement agency from which he or she is retired with the word "retired" placed on it.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS, AUTHORITY AND DUTIES OF LAW-ENFORCEMENT OFFICIALS AND POLICEMEN; POLICE MATRONS; SPECIAL SCHOOL ZONE AND PARKING LOT OR PARKING BUILDING POLICE OFFICERS; CIVIL SERVICE FOR CERTAIN POLICE DEPARTMENTS.

§8-14-24. Right to receive complete standard uniform; and right to acquire badge.

A police officer, upon honorable retirement, shall be authorized to maintain at his or her own cost a complete standard uniform from the law-enforcement agency of which he or she was a member, and shall be issued an
identification card indicating his or her honorable retirement from the law-enforcement agency. The uniform may be worn by the officer in retirement only on the following occasions: Police Officer's Memorial Day, Law Enforcement Appreciation Day, at the funeral of a law-enforcement officer or during any other police ceremony. The honorably retired officer is authorized to acquire a badge of the law-enforcement agency from which he or she is retired with the word "retired" placed on it.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-2. Qualifications, etc., of conservation officers; right of retired officer to receive complete standard uniform; right of retired officer to acquire uniform; and right of retired officer to acquire badge.

In addition to civil service qualifications and requirements, persons selected as conservation officers shall have reached their eighteenth birthday at the time of appointment, be in good physical condition and of good moral character, temperate in habits and shall not have been convicted of a felony. Whenever possible and practicable, preference in selection of conservation officers shall be given honorably discharged United States military personnel. Each conservation officer, before entering upon the discharge of his duties, shall take and subscribe to the oath of office prescribed in article IV, section 5 of the Constitution of West Virginia, which executed oath shall be filed with the director.

The director shall prescribe the kind, style and material of uniforms to be worn by conservation officers. Uniforms and other equipment furnished to the conservation officers shall be and remain the property of the state, except as hereinafter provided in this section.

A conservation officer, upon honorable retirement, shall be authorized to maintain at his or her own cost a complete standard uniform from the law-enforcement agency of which he or she was a member, and shall be issued an identification card indicating his or her honor-
able retirement from the law-enforcement agency. The uniform may be worn by the officer in retirement only on the following occasions: Police Officer's Memorial Day, Law Enforcement Appreciation Day, at the funeral of a law-enforcement officer or during any other police ceremony. The honorably retired officer is authorized to acquire a badge of the law-enforcement agency from which he or she is retired with the word "retired" placed on it.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-4. License to carry deadly weapons; how obtained.

(a) Except as provided in subsection (h) of this section, any person desiring to obtain a state license to carry a concealed deadly weapon shall apply to the circuit court of his or her county for such license, and shall pay to the clerk of the circuit court, at the time of application, a filing fee of twenty dollars. The applicant shall file with the clerk of the circuit court an application in writing, duly verified, which sets forth the following:

(1) That the applicant is a citizen of the United States of America or lawfully resides in the United States of America;

(2) That, on the date the application is made, the applicant is a bona fide resident of this state and of the county in which the application is made;

(3) That the applicant is eighteen years of age or older;

(4) That the applicant is not addicted to alcohol, a controlled substance or a drug, and is not an unlawful user thereof;

(5) That the applicant has not been convicted of a felony or of an act of violence involving the misuse of such deadly weapon;

(6) That the applicant desires to carry such deadly weapon for the defense of self, family, home or state, or
(7) That the applicant is physically and mentally competent to carry such weapon;

(8) That, in the case of a person applying for a license to carry a concealed pistol or revolver, the applicant has qualified under minimum requirements for handling and firing such firearms. These minimum requirements are those promulgated by the department of natural resources and attained under the auspices of the department of natural resources: Provided, That the court shall waive this requirement in the case of a renewal applicant who has previously qualified: Provided, however, That the following may be substituted for those minimum requirements promulgated by the department of natural resources:

(A) Successful completion of any official national rifle association firearms safety or training course;

(B) Successful completion of any firearms safety or training course or class available to the general public offered by an official law-enforcement organization, community college, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors currently certified by the national rifle association;

(C) Successful completion of any firearms training or safety course or class conducted by a firearms instructor certified as such by the state or by the national rifle association.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization, or group that conducted or taught said course or class attesting to the successful completion of the course or class by the applicant or a copy of any document which shows successful completion of the course or class, shall constitute evidence of qualification under this section.

(b) The court shall issue or deny such license within thirty days after the application is filed with the circuit clerk. The court shall, if necessary, hear evidence upon all
matters stated in such application and upon any other
matter related to the eligibility of the applicant under
subsection (a) of this section. If from such application or
the proof it appears that the purpose for such person to
carry such weapon is defense of self, family, home or state,
or other lawful purpose, and all other conditions in sub-
section (a) are complied with, the court, or the judge there-
of in vacation, shall grant such license.

(c) In the event an application is denied, the specific
reasons for the denial shall be stated in the order of the
court denying the application. Upon denial of an applica-
tion and at the request of the applicant made within ten
days of such denial, the court shall schedule the matter for
a hearing. The applicant may be represented by counsel,
but in no case shall the court be required to appoint coun-
sel for an applicant. The final order of the court shall
include the court's findings of fact and conclusions of law.

(d) If an application is approved, the court shall re-
quire in its order granting the license that before any li-
cense shall be issued or become effective, the applicant
shall pay to the sheriff a license fee in the amount of fifty
dollars. Any such license shall be valid for five years,
unless sooner revoked.

(e) All license fees collected hereunder shall be paid
by the sheriff and accounted for to the auditor as other
license taxes are collected and paid, and the state tax com-
missioner shall prepare all suitable forms for licenses and
certificates showing that such license has been granted and
shall do any other act required to be done to protect the
state and see to the enforcement of this section.

(f) The clerk of the circuit court shall, immediately
after the license is granted as aforesaid, furnish the super-
intendent of the department of public safety a certified
copy of the order of the court granting such license, for
which service the clerk shall be paid a fee of two dollars
which shall be taxed as costs in the proceeding. It shall be
the duty of the clerk of each circuit court to furnish to the
superintendent of the department of public safety, at any
time so requested, a certified list of all such licenses issued
in the county.
(g) No person who is engaged in the receipt, review, or in the issuance of such license shall incur any civil liability as the result of the lawful performance of his or her duties under this article.

(h) Notwithstanding the provisions of subsections (a) and (d) of this section, with respect to application by a former law-enforcement officer honorably retired from agencies governed by article fourteen, chapter seven; article fourteen, chapter eight; and article seven, chapter twenty of this code, an honorably retired officer is exempt from payment of fees and costs as otherwise required by this section, and the application of the honorably retired officer shall be granted without proof or inquiry by the court as to those requirements set forth in subdivisions (6) and (8) of subsection (a) of this section, if the officer meets the requirements of subdivisions (1) through (5) and subdivision (7) of subsection (a) of this section and has the approval of the appropriate chief law-enforcement officer.
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 _________ day of ________________, 1995.