

HB 2013

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

HOUSE BILL No. 2013

(By Delegate Love)



Passed March 11, 1995

In Effect 90 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.

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

CHAPTER 8. MUNICIPAL CORPORATIONS.

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

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

1 A police officer, upon honorable retirement, shall be
2 authorized to maintain at his or her own cost a complete
3 standard uniform from the law-enforcement agency of
4 which he or she was a member, and shall be issued an

5 identification card indicating his or her honorable retire-
6 ment from the law-enforcement agency. The uniform may
7 be worn by the officer in retirement only on the following
8 occasions: Police Officer's Memorial Day, Law Enforce-
9 ment Appreciation Day, at the funeral of a law-enforce-
10 ment officer or during any other police ceremony. The
11 honorably retired officer is authorized to acquire a badge
12 of the law-enforcement agency from which he or she is
13 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.

1 In addition to civil service qualifications and require-
2 ments, persons selected as conservation officers shall have
3 reached their eighteenth birthday at the time of appoint-
4 ment, be in good physical condition and of good moral
5 character, temperate in habits and shall not have been
6 convicted of a felony. Whenever possible and practicable,
7 preference in selection of conservation officers shall be
8 given honorably discharged United States military person-
9 nel. Each conservation officer, before entering upon the
10 discharge of his duties, shall take and subscribe to the oath
11 of office prescribed in article IV, section 5 of the Constitu-
12 tion of West Virginia, which executed oath shall be filed
13 with the director.

14 The director shall prescribe the kind, style and materi-
15 al of uniforms to be worn by conservation officers. Uni-
16 forms and other equipment furnished to the conservation
17 officers shall be and remain the property of the state, ex-
18 cept as hereinafter provided in this section.

19 A conservation officer, upon honorable retirement,
20 shall be authorized to maintain at his or her own cost a
21 complete standard uniform from the law-enforcement
22 agency of which he or she was a member, and shall be
23 issued an identification card indicating his or her honor-

24 able retirement from the law-enforcement agency. The
25 uniform may be worn by the officer in retirement only on
26 the following occasions: Police Officer's Memorial Day,
27 Law Enforcement Appreciation Day, at the funeral of a
28 law-enforcement officer or during any other police cere-
29 mony. The honorably retired officer is authorized to
30 acquire a badge of the law-enforcement agency from
31 which he or she is retired with the word "retired" placed on
32 it.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

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

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

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

12 (2) That, on the date the application is made, the ap-
13 plicant is a bona fide resident of this state and of the coun-
14 ty in which the application is made;

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

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

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

23 (6) That the applicant desires to carry such deadly
24 weapon for the defense of self, family, home or state, or

25 other lawful purpose;

26 (7) That the applicant is physically and mentally com-
27 petent to carry such weapon;

28 (8) That, in the case of a person applying for a license
29 to carry a concealed pistol or revolver, the applicant has
30 qualified under minimum requirements for handling and
31 firing such firearms. These minimum requirements are
32 those promulgated by the department of natural resources
33 and attained under the auspices of the department of natu-
34 ral resources: *Provided*, That the court shall waive this
35 requirement in the case of a renewal applicant who has
36 previously qualified: *Provided, however*, That the follow-
37 ing may be substituted for those minimum requirements
38 promulgated by the department of natural resources:

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

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

48 (C) Successful completion of any firearms training or
49 safety course or class conducted by a firearms instructor
50 certified as such by the state or by the national rifle associ-
51 ation.

52 A photocopy of a certificate of completion of any of
53 the courses or classes or an affidavit from the instructor,
54 school, club, organization, or group that conducted or
55 taught said course or class attesting to the successful com-
56 pletion of the course or class by the applicant or a copy of
57 any document which shows successful completion of the
58 course or class, shall constitute evidence of qualification
59 under this section.

60 (b) The court shall issue or deny such license within
61 thirty days after the application is filed with the circuit
62 clerk. The court shall, if necessary, hear evidence upon all

63 matters stated in such application and upon any other
64 matter related to the eligibility of the applicant under
65 subsection (a) of this section. If from such application or
66 the proof it appears that the purpose for such person to
67 carry such weapon is defense of self, family, home or state,
68 or other lawful purpose, and all other conditions in sub-
69 section (a) are complied with, the court, or the judge there-
70 of in vacation, shall grant such license.

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

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

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

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

103 (g) No person who is engaged in the receipt, review,
104 or in the issuance of such license shall incur any civil
105 liability as the result of the lawful performance of his or
106 her duties under this article.

107 (h) Notwithstanding the provisions of subsections (a)
108 and (d) of this section, with respect to application by a
109 former law-enforcement officer honorably retired from
110 agencies governed by article fourteen, chapter seven; arti-
111 cle fourteen, chapter eight; and article seven, chapter twen-
112 ty of this code, an honorably retired officer is exempt
113 from payment of fees and costs as otherwise required by
114 this section, and the application of the honorably retired
115 officer shall be granted without proof or inquiry by the
116 court as to those requirements set forth in subdivisions (6)
117 and (8) of subsection (a) of this section, if the officer
118 meets the requirements of subdivisions (1) through (5)
119 and subdivision (7) of subsection (a) of this section and
120 has the approval of the appropriate chief law-enforcement
121 officer.

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

Randy Scherrer
Chairman Senate Committee

Ernest C Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Donnell P. Adams
Clerk of the Senate

Donald J. Kopp
Clerk of the House of Delegates

Carl Rex Tompkins
President of the Senate

Paul E. C. Caban
Speaker of the House of Delegates

The within _____ this the _____

day of _____, 1995.

Governor



PRESENTED TO THE

GOVERNOR

Date 3/31/95

Time 2:10 pm