WEST VIRGINIA LEGISLATURE
Second Extraordinary Session, 2003

ENROLLED

SENATE BILL NO. ________

(By Senator Massie, Mr. President, and Sprouse, By Request of the Executive)

PASSED ________June 14, 2003__________

In Effect ________from_______Passage
AN ACT to amend and reenact section seven, article one-c, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section twenty-six, article three, chapter eleven-a of said code; to amend and reenact sections one and two, article three, chapter fifty of said code; to amend and reenact sections ten, eleven and twenty-eight-a, article one, chapter fifteen of said code; to amend and reenact section sixteen, article two of said chapter; and to amend and reenact section four, article seven, chapter sixty-one of said code, all relating to increasing certain county clerk, circuit clerk, assessor, sheriff, prosecuting attorney and magistrate court fees; and dedicating those fee increases to the courthouse facilities improvement fund and to the special revenue account to provide legal services to domestic violence victims.

Be it enacted by the Legislature of West Virginia:
That section seven, article one-c, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section twenty-six, article three, chapter eleven-a of said code be amended and reenacted; that sections one and two, article three, chapter fifty of said code be amended and reenacted; that sections ten, eleven and twenty-eight-a, article one, chapter fifty-nine of said code be amended and reenacted; that section seventeen, article two of said chapter 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 11. TAXATION.**

**ARTICLE 1C. FAIR AND EQUITABLE PROPERTY VALUATION.**

**§11-1C-7. Duties of county assessors; property to be appraised at fair market value; exceptions; initial equalization; valuation plan.**

(a) Except for property appraised by the state tax commissioner under section ten of this article and property appraised and assessed under article six of this chapter, all assessors shall, within three years of the approval of the county valuation plan required pursuant to this section, appraise all real and personal property in their jurisdiction at fair market value except for special valuation provided for farmland and managed timberland. They shall utilize the procedures and methodologies established by the property valuation training and procedures commission and the valuation system established by the tax commissioner.

(b) In determining the fair market value of the property in their jurisdictions, assessors may use as an aid to valuation any information available on the character and values of such property, including, but not limited to, the updated information found on any statewide electronic data processing system network established pursuant to section twenty-one, article one-a of this chapter. Valuations shall not be based exclusively on such statewide
(c) Before beginning the valuation process, each assessor shall develop a county valuation plan for using information currently available, for checking its accuracy and for correcting any errors found. The plan must be submitted to the tax commissioner on or before the first day of December, one thousand nine hundred ninety, for review and approval and such plan must be revised as necessary and resubmitted every three years thereafter. Whenever a plan is submitted to the tax commissioner, a copy shall also be submitted to the county commission of that county and the property valuation training and procedures commission and that county commission and the property valuation training and procedures commission may forward comments to the tax commissioner. The tax commissioner shall respond to any plan submitted or resubmitted within sixty days of its receipt. The valuation process shall not begin nor shall funds provided in section eight of this article be available until the plan has received approval by the tax commissioner: Provided, That any initial plan that has not received approval by the commissioner prior to the first day of May, one thousand nine hundred ninety-one, shall be submitted on or by such date to the valuation commission for resolution prior to the first day of July, one thousand nine hundred ninety-one, by which date all counties shall have an approved valuation plan in effect.

(d) Upon approval of the valuation plan, the assessor shall immediately begin implementation of the valuation process. Any change in value discovered subsequent to the certification of values by the assessor to the county commission, acting as the board of equalization and review, in any given year shall be placed upon the property books for the next certification of values: Provided, That
notwithstanding any other provision of this code to the contrary, the property valuation training and procedures commission may authorize the tax commissioner to approve a valuation plan and the board of public works to submit such a plan which would permit the placement of proportionately uniform percentage changes in values on the books that estimate the percentage difference between the current assessed value and sixty percent of the fair market value for classes or identified subclasses of property and distribute the change between the two tax years preceding the tax year beginning on the first day of July, one thousand nine hundred ninety-three. This procedure may be used in lieu of placing individual values on the books at sixty percent of value as discovered or may be in addition to such valuation. If such procedure is adopted by a county, then property whose reevaluation is the responsibility of the board of public works and the state tax commissioner shall have its values estimated and placed on the books in like manner. Such estimates shall be based on the best information obtained by the assessor, the board of public works and the tax commissioner and the changes shall move those values substantially toward sixty percent of fair market value, such sixty percent to be reached on or before the first day of July, one thousand nine hundred ninety-three.

(e) (1) The county assessor shall establish and maintain as official records of the county tax maps of the entire county drawn to scale or aerial maps, which maps shall indicate all property and lot lines, set forth dimensions or areas, indicate whether the land is improved and identify the respective parcels or lots by a system of numbers or symbols and numbers, whereby the ownership of such parcels and lots can be ascertained by reference to the appropriate records: Provided, That all such records shall be established and maintained and the sale or reproduction of microfilm, photography and maps shall be in accordance with legislative rules promulgated by the commission.
(2) The following fees apply in addition to any fee charged by the assessor or the map sales unit of the property tax division of the department of revenue for the sale or reproduction of microfilm, photography and maps pursuant to the legislative rules referenced in subdivision (1) of this subsection:

(A) For a full map sheet, an additional fee of three dollars per copy shall be charged, which shall be deposited in the courthouse facilities improvement fund created by section six, article twenty-six, chapter twenty-nine of this code;

(B) For a parcel reproduction on 8 ½ x 11" or 8 ½ x 14" paper, an additional fee of one dollar and fifty cents per copy shall be charged, which shall be deposited in the courthouse facilities improvement fund created by section six, article twenty-six, chapter twenty-nine of this code; and

(C) For all other map sizes, an additional fee of two dollars per copy shall be charged, which shall be deposited in the courthouse facilities improvement fund created by section six, article twenty-six, chapter twenty-nine of this code.

(f) Willing and knowing refusal of the assessor or the county commission to comply with and effect the provisions of this article, or to correct any deficiencies as may be ordered by the tax commissioner with the concurrence of the valuation commission under any authority granted pursuant to this article or other provisions of this code, shall constitute grounds for removal from office. Such removal may be appealed to the circuit court.

CHAPTER 11A. COLLECTION AND ENFORCEMENT OF PROPERTY TAXES.

ARTICLE 3. SALE OF TAX LIENS AND NONENTERED, ESCHEATED AND WASTE AND UNAPPROPRIATED LANDS.
§11A-3-26. Certificate of redemption issued by clerk; recordation; disposition of redemption money.

(a) Upon payment of the sum necessary to redeem, the clerk shall execute a certificate of redemption in duplicate, which certificate shall specify the real estate redeemed, or the part thereof or the interest therein, as the case may be, together with any changes in respect thereto which were made in the landbook and in the record of delinquent lands; shall specify the year or years for which payment was made; and shall state that it is a receipt for the money paid and a release of the tax lien on the real estate redeemed. The original certificate shall be retained in the files in the clerk’s office and one copy shall be delivered to the person redeeming. The clerk shall make any necessary changes in his record of delinquent lands and shall note the fact of redemption on such record and shall record the certificate in a separate volume provided for the purpose.

(b) All certificates of redemption issued by the clerk in each year shall be numbered consecutively and shall be filed by the clerk in numerical order. Reference to the year and number of the certificate shall be included in the notation of redemption required herein. No fee shall be charged by the clerk for any recordation, filing or notation required by this section.

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 3. COSTS, FINES AND RECORDS.

§50-3-1. Costs in civil actions.

The following costs shall be charged in magistrate courts in civil actions and shall be collected in advance:
(a) For filing and trying any civil action and for all services connected therewith, but excluding services regarding enforcement of judgment, the following amounts dependent upon the amount of damages sought in the complaint:

Where the action is for five hundred dollars or less .............................................................. $30.00

Where the action is for more than five hundred dollars but not more than one thousand dollars ............................................................. $35.00

Where the action is for more than one thousand dollars but not more than two thousand dollars ........................... $40.00

Where the action is for more than two thousand dollars ............................................ $50.00

Where the action seeks relief other than money damage ................................................ $30.00

Five dollars from each of the filing fees listed above shall be deposited in the court security fund created by the provisions of section fourteen, article three, chapter fifty-one of this code.

Five dollars from each of the filing fees listed above shall be deposited in the courthouse facilities improvement fund created by section six, article twenty-six, chapter twenty-nine of this code.

(b) For each service regarding enforcement of a judgment including execution, suggestion, garnishment and suggestee execution ............................................................ $5.00

(c) For each bond filed in a case ......................... $1.00

(d) For taking deposition of witness for each hour or portion thereof ......................... $1.00
(e) For taking and certifying acknowledgment
of a deed or other writing or taking oath
upon an affidavit ........................................... $ .50

(f) For mailing any matter required or
provided by law to be mailed by certified or
registered mail with return receipt ............... $1.00

Costs incurred in a civil action shall be reflected in any
judgment rendered thereon. The provisions of section one,
article two, chapter fifty-nine of this code, relating to the
payment of costs by poor persons, shall be applicable to all
costs in civil actions.

§50-3-2. Costs in criminal proceedings.

(a) In each criminal case before a magistrate court in
which the defendant is convicted, whether by plea or at
trial, there is imposed, in addition to other costs, fines,
forfeitures or penalties as may be allowed by law: (1)
Costs in the amount of sixty dollars, of which five dollars
of that amount shall be deposited in the courthouse
facilities improvement fund created by section six, article
twenty-six, chapter twenty-nine of this code; and (2) an
amount equal to the one-day per diem provided for in
subsection (h), section ten, article twenty, chapter
thirty-one of this code. A magistrate may not collect costs
in advance. Notwithstanding any other provision of this
code, a person liable for fines and court costs in a criminal
proceeding in which the defendant is confined in a jail or
prison and not participating in a work release program
shall not be held liable for the fines and court costs until
ninety days after completion of the term in jail or prison.
A magistrate court shall deposit five dollars from each of
the criminal proceedings fees collected pursuant to this
section in the court security fund created in section
fourteen, article three, chapter fifty-one of this code. A
magistrate court shall, on or before the tenth day of the
month following the month in which the fees imposed in
this section were collected, remit an amount equal to the
one-day per diem provided for in subsection (h), section ten, article twenty, chapter thirty-one of this code from each of the criminal proceedings in which the fees specified in this section were collected to the magistrate court clerk or, if there is no magistrate court clerk to the clerk of the circuit, together with information as may be required by the rules of the supreme court of appeals and the rules of the office of chief inspector. These moneys are paid to the sheriff who shall distribute the moneys solely in accordance with the provisions of section fifteen, article five, chapter seven of this code. Amendments made to this section during the regular session of the Legislature, two thousand one, are effective after the thirtieth day of June, two thousand one.

(b) A magistrate shall assess costs in the amount of two dollars and fifty cents for issuing a sheep warrant and the appointment and swearing appraisers and docketing the proceedings.

(c) In each criminal case which must be tried by the circuit court but in which a magistrate renders some service, costs in the amount of ten dollars shall be imposed by the magistrate court and is certified to the clerk of the circuit court in accordance with the provisions of section six, article five, chapter sixty-two of this code.

CHAPTER 59. FEES, ALLOWANCES AND COSTS; NEWSPAPERS; LEGAL ADVERTISEMENTS.

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-10. Fees to be charged by clerk of county commission.

For the purpose of this section, the word “page” is defined as being a paper writing of not more than legal size, 8 ½” x 14”.

The clerk of the county commission shall charge and collect the following fees:

(a) When a writing is admitted to record, for receiving proof of acknowledgment thereof, entering an order in
connection therewith, endorsing clerk’s certificate of
recording thereon and indexing in a proper index, where
the writing is a:

1. (1) Deed of conveyance (with or without a
   plat), trust deed, fixture filing or security
   agreement concerning real estate lease ....... $10.00

2. (2) Financing, continuation, termination or
   other statement or writing permitted to be
   filed under chapter forty-six of this code ... $10.00

3. (3) Plat or map (with no deed of conveyance) . $10.00

4. (4) Service discharge record ....................... No Charge

5. (5) Any document or writing other than those
   referenced in subdivisions (1), (2), (3) and (4)
   of this subsection .............................................. $5.00

6. (6) If any document or writing contains more
   than five pages, for each additional page ..... $1.00

(b) For administering any oath other than
   oaths by officers and employees of the state,
   political subdivisions of the state, or a public
   or quasi public entity of the state or a political
   subdivision of the state, taken in his or her
   official capacity ................................................ $5.00

(c) For issuance of marriage license and
   other duties pertaining to the marriage
   license (including preparation of the
   application, administrating the oath,
   registering and recording the license,
   mailing acknowledgment of minister’s
   return to one of the licensees and
   notification to a licensee after sixty
   days of the nonreceipt of
   the minister’s return) ..................................... $35.00

(1) One dollar of the marriage license fee received
pursuant to this subsection shall be paid by the county
clerk into the state treasury as a state registration fee in
the same manner that license taxes are paid into the
treasury under article twelve, chapter eleven of this code;

(2) Fifteen dollars of the marriage license fee received
pursuant to this subsection shall be paid by the county
clerk into the state treasury for the family protection
shelter support act in the same manner that license taxes
are paid into the treasury under article twelve, chapter
eleven of this code;

(3) Ten dollars of the marriage license fee received
pursuant to this subsection shall be deposited in the
courthouse facilities improvement fund created by section
six, article twenty-six, chapter twenty-nine of this code.

(d) (1) For a copy of any writing or document, if it is not
otherwise provided for ..................................... $1.50

(2) If the copy of the writing or document contains more
than two pages, for each additional page ...... $1.00

(3) For annexing the seal of the commission
or clerk to any paper ........................................ $1.00

(4) For a certified copy of a birth certificate,
death certificate or marriage license ............ $5.00

§59-1-11. Fees to be charged by clerk of circuit court.

(a) The clerk of a circuit court shall charge and collect
for services rendered as such clerk the following fees, and
such fees shall be paid in advance by the parties for whom
such services are to be rendered:

(1) For instituting any civil action under the rules of civil
procedure, any statutory summary proceeding, any
extraordinary remedy, the docketing of civil appeals or
any other action, cause, suit or proceeding, one hundred
twenty-five dollars, of which thirty dollars of that amount
shall be deposited in the courthouse facilities improvement
fund created by section six, article twenty-six, chapter
twenty-nine of this code and ten dollars shall be deposited in the special revenue account created in section six hundred three, article twenty-six, chapter forty-eight of this code to provide legal services for domestic violence victims;

(2) For instituting an action for medical professional liability, two hundred sixty dollars, of which ten dollars of that amount shall be deposited in the courthouse facilities improvement fund created by section six, article twenty-six, chapter twenty-nine of this code;

(3) Beginning on and after the first day of July, one thousand nine hundred ninety-nine, for instituting an action for divorce, separate maintenance or annulment, one hundred thirty-five dollars;

(4) For petitioning for the modification of an order involving child custody, child visitation, child support or spousal support, eighty-five dollars; and

(5) For petitioning for an expedited modification of a child support order, thirty-five dollars.

(b) In addition to the foregoing fees, the following fees shall likewise be charged and collected:

(1) For preparing an abstract of judgment, five dollars;

(2) For any transcript, copy or paper made by the clerk for use in any other court or otherwise to go out of the office, for each page, fifty cents;

(3) For action on suggestion, ten dollars;

(4) For issuing an execution, ten dollars;

(5) For issuing or renewing a suggestee execution, including copies, postage, registered or certified mail fees and the fee provided by section four, article five-a, chapter thirty-eight of this code, three dollars;

(6) For vacation or modification of a suggestee execution, one dollar;
(7) For docketing and issuing an execution on a transcript of judgment from magistrate's court, three dollars;

(8) For arranging the papers in a certified question, writ of error, appeal or removal to any other court, ten dollars, of which five dollars of that amount shall be deposited in the courthouse facilities improvement fund created by section six, article twenty-six, chapter twenty-nine of this code;

(9) For postage and express and for sending or receiving decrees, orders or records, by mail or express, three times the amount of the postage or express charges;

(10) For each subpoena, on the part of either plaintiff or defendant, to be paid by the party requesting the same, fifty cents;

(11) For additional service (plaintiff or appellant) where any case remains on the docket longer than three years, for each additional year or part year, twenty dollars;

(12) For processing of criminal bond, twenty-five dollars per bond, which shall be deposited in the courthouse facilities improvement fund created by section six, article twenty-six, chapter twenty-nine of this code; and

(13) For processing of bail piece, ten dollars per bail piece, which shall be deposited in the courthouse facilities improvement fund created by section six, article twenty-six, chapter twenty-nine of this code.

(c) The clerk shall tax the following fees for services in any criminal case against any defendant convicted in such court:

(1) In the case of any misdemeanor, fifty-five dollars;

(2) In the case of any felony, seventy-five dollars, of which ten dollars of that amount shall be deposited in the courthouse facilities improvement fund created by section six, article twenty-six, chapter twenty-nine of this code.
(d) No such clerk shall be required to handle or accept for disbursement any fees, cost or amounts, of any other officer or party not payable into the county treasury, except it be on order of the court or in compliance with the provisions of law governing such fees, costs or accounts.

§59-1-28a. Disposition of filing fees in civil actions and fees for services in criminal cases.

1 (a) Except for those payments to be made from amounts equaling filing fees received for the institution of divorce actions as prescribed in subsection (b) of this section, and except for those payments to be made from amounts equaling filing fees received for the institution of actions for divorce, separate maintenance and annulment as prescribed in said subsection, for each civil action instituted under the rules of civil procedure, any statutory summary proceeding, any extraordinary remedy, the docketing of civil appeals or any other action, cause, suit or proceeding in the circuit court, the clerk of the court shall, at the end of each month, pay into the funds or accounts described in this subsection an amount equal to the amount set forth in this subsection of every filing fee received for instituting the action as follows:

1 (1) Into the regional jail and correctional facility authority fund in the state treasury established pursuant to the provisions of section ten, article twenty, chapter thirty-one of this code, the amount of sixty dollars; and

2 (2) Into the court security fund in the state treasury established pursuant to the provisions of section fourteen, article three, chapter fifty-one of this code, the amount of five dollars.

(b) For each action for divorce, separate maintenance or annulment instituted in the circuit court, the clerk of the court shall, at the end of each month, report to the supreme court of appeals, the number of actions filed by persons unable to pay, and pay into the funds or accounts in this subsection an amount equal to the amount set forth
in this subsection of every filing fee received for instituting
the divorce action as follows:

(1) Into the regional jail and correctional facility author-
ity fund in the state treasury established pursuant to the
provisions of section ten, article twenty, chapter thirty-one
of this code, the amount of ten dollars;

(2) Into the special revenue account of the state treasury,
established pursuant to section six hundred four, article
two, chapter forty-eight of this code, an amount of thirty
dollars;

(3) Into the family court fund established under section
twenty-two, article two-a, chapter fifty-one of this code, an amount of seventy dollars; and

(4) Into the court security fund in the state treasury,
established pursuant to the provisions of section fourteen,
article three, chapter fifty-one of this code, the amount of
five dollars.

(c) Notwithstanding any provision of subsection (a) or (b)
of this section to the contrary, the clerk of the court shall,
at the end of each month, pay into the family court fund
established under section twenty-two, article two-a,
chapter fifty-one of this code an amount equal to the
amount of every fee received for petitioning for the
modification of an order involving child custody, child
visitation, child support or spousal support as determined
by subdivision (3), subsection (a), section eleven of this
article and for petitioning for an expedited modification of
a child support order as provided in subdivision (4) of said
subsection.

(d) The clerk of the court from which a protective order
is issued shall, at the end of each month, pay into the
family court fund established under section twenty-two,
article two-a, chapter fifty-one of this code an amount
equal to every fee received pursuant to the provisions of
section five hundred eight, article twenty-seven, chapter forty-eight of this code.

(e) The clerk of each circuit court shall, at the end of each month, pay into the regional jail and correctional facility authority fund in the state treasury an amount equal to forty dollars of every fee for service received in any criminal case against any respondent convicted in such court and shall pay an amount equal to five dollars of every such fee into the court security fund in the state treasury established pursuant to the provisions of section fourteen, article three, chapter fifty-one of this code.

(f) Beginning the first day of January, two thousand two, the clerk of the circuit court shall, at the end of each month, pay into the medical liability fund established under article twelve-b, chapter twenty-nine of this code an amount equal to one hundred sixty-five dollars of every filing fee received for instituting a medical professional liability action.

(g) The clerk of the circuit court shall, at the end of each month, pay into the courthouse facilities improvement fund created by section six, article twenty-six, chapter twenty-nine of this code those amounts received by the clerk which are dedicated for deposit in the fund.

ARTICLE 2. COSTS GENERALLY.

§59-2-17. Fees of prosecuting attorney.

The clerk shall include in the costs, for fees of the prosecuting attorney, the following:

(a) In cases of misdemeanor, or an action upon a bond for a violation of the license laws, fifteen dollars, of which five dollars of that amount shall be deposited in the courthouse facilities improvement fund created by section six, article twenty-six, chapter twenty-nine of this code;

(b) In a case of bastardy, ten dollars;
(c) In a suit or proceeding upon a forfeited recognizance upon behalf of the state, five percent upon the amount recovered and paid into the treasury;

(d) In cases of felony, thirty-five dollars, of which five dollars of that amount shall be deposited in the courthouse facilities improvement fund created by section six, article twenty-six, chapter twenty-nine of this code;

(e) In any other case of the state, if a different fee is not prescribed, ten dollars.

Such fees shall be collected and accounted for as provided in article one of this chapter, but shall not in any case be paid out of the county or state treasury.

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 sheriff of his or her county for such license, and shall pay to the sheriff, at the time of application, a fee of seventy-five dollars, of which fifteen dollars of that amount shall be deposited in the courthouse facilities improvement fund created by section six, article twenty-six, chapter twenty-nine of this code. Concealed weapons permits may only be issued for pistols or revolvers. Each applicant shall file with the sheriff, a complete application, as prepared by the superintendent of the West Virginia state police, in writing, duly verified, which sets forth only the following licensing requirements:

(1) The applicant's full name, date of birth, social security number and a description of the applicant's physical features;
(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 and has a valid driver's license or other state-issued photo identification showing such residence;

(3) That the applicant is twenty-one years of age or older: Provided, That any individual who is less than twenty-one years of age and possesses a properly issued concealed weapons license as of the effective date of this article shall be licensed to maintain his or her concealed weapons license notwithstanding the provisions of this section requiring new applicants to be at least twenty-one years of age: Provided, however, That upon a showing of any applicant who is eighteen years of age or older that he or she is required to carry a concealed weapon as a condition for employment, and presents satisfactory proof to the sheriff thereof, then he or she shall be issued a license upon meeting all other conditions of this section. Upon discontinuance of employment that requires the concealed weapons license, if the individual issued the license is not yet twenty-one years of age, then the individual issued the license is no longer eligible and must return his or her license to the issuing sheriff;

(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 a deadly weapon;

(6) That the applicant has no criminal charges pending and is not currently serving a sentence of confinement, parole, probation or other court-ordered supervision, because of a charge of domestic violence as provided for in section twenty-eight, article two of this chapter, or is the subject of a restraining order as a result of a domestic violence act as defined in that section, or because of a
verified petition of domestic violence as provided for in article two-a, chapter forty-eight of this code or is subject to a protective order as provided for in that article;

(7) That the applicant is physically and mentally competent to carry such weapon;

(8) That the applicant has not been adjudicated to be mentally incompetent;

(9) That the applicant has qualified under the minimum requirements set forth in subsection (d) of this section for handling and firing such weapon: Provided, That this requirement shall be waived in the case of a renewal applicant who has previously qualified;

(10) That the applicant authorizes the sheriff of the county, or his or her designee, to conduct an investigation relative to the information contained in the application.

(b) The sheriff shall conduct an investigation which shall verify that the information required in subdivisions (1), (2), (3), (5), (6), (8) and (9), subsection (a) of this section are true and correct.

(c) Sixty dollars of the application fee and any fees for replacement of lost or stolen licenses received by the sheriff shall be deposited by the sheriff into a concealed weapons license administration fund. Such fund shall be administered by the sheriff and shall take the form of an interest bearing account with any interest earned to be compounded to the fund. Any funds deposited in this concealed weapon license administration fund are to be expended by the sheriff to pay for the costs associated with issuing concealed weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff’s office, as the sheriff may consider appropriate.

(d) All persons applying for a license must complete a training course in handling and firing a handgun. The
successful completion of any of the following courses fulfills this training requirement:

(1) Any official national rifle association handgun safety or training course;

(2) Any handgun 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 handgun training school utilizing instructors duly certified by such institution;

(3) Any handgun training or safety course or class conducted by a handgun instructor certified as such by the state or by the national rifle association;

(4) Any handgun training or safety course or class conducted by any branch of the United States military, reserve or national guard.

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.

(e) All concealed weapons license applications must be notarized by a notary public duly licensed under article four, chapter twenty-nine of this code. Falsification of any portion of the application constitutes false swearing and is punishable under the provisions of section two, article five, chapter sixty-one of this code.

(f) If the information in the application is found to be true and correct, the sheriff shall issue a license. The sheriff shall issue or deny the license within forty-five days after the application is filed if all required background checks authorized by this section are completed.
Before any approved license shall be issued or become effective, the applicant shall pay to the sheriff a fee in the amount of fifteen dollars which the sheriff shall forward to the superintendent of the West Virginia state police within thirty days of receipt. Any such license shall be valid for five years throughout the state, unless sooner revoked.

All persons holding a current and valid concealed weapons license as of the sixteenth day of December, one thousand nine hundred ninety-five, shall continue to hold a valid concealed weapons license until his or her license expires or is revoked as provided for in this article: Provided, That all reapplication fees shall be waived for applications received by the first day of January, one thousand nine hundred ninety-seven, for any person holding a current and valid concealed weapons license as of the sixteenth day of December, one thousand nine hundred ninety-five, which contains use restrictions placed upon the license as a condition of issuance by the issuing circuit court. Any licenses reissued pursuant to this subsection will be issued for the time period of the original license.

Each license shall contain the full name, social security number and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and such license card is deemed a license for the purposes of this section.

The superintendent of the West Virginia state police shall prepare uniform applications for licenses and license cards 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.
(k) In the event an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. Such petition shall be filed within thirty days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a license under the criteria set forth in this section. The applicant may be represented by counsel, but in no case shall the court be required to appoint counsel for an applicant. The final order of the court shall include the court's findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the rules of appellate procedure of the supreme court of appeals.

(l) In the event a license is lost or destroyed, the person to whom the license was issued may obtain a duplicate or substitute license for a fee of five dollars by filing a notarized statement with the sheriff indicating that the license has been lost or destroyed.

(m) The sheriff shall, immediately after the license is granted as aforesaid, furnish the superintendent of the West Virginia state police a certified copy of the approved application. It shall be the duty of the sheriff to furnish to the superintendent of the West Virginia state police at any time so requested a certified list of all such licenses issued in the county. The superintendent of the West Virginia state police shall maintain a registry of all persons who have been issued concealed weapons licenses.

(n) All licensees must carry with them a state-issued photo identification card with the concealed weapons license whenever the licensee is carrying a concealed weapon. Any licensee who fails to have in his or her possession a state-issued photo identification card and a current concealed weapons license while carrying a concealed weapon shall be guilty of a misdemeanor and,
upon conviction thereof, shall be fined not less than fifty
or more than two hundred dollars for each offense.

(o) The sheriff shall deny any application or revoke any
existing license upon determination that any of the
licensing application requirements established in this
section have been violated by the licensee.

(p) No person who is engaged in the receipt, review or in
the issuance or revocation of a concealed weapon license
shall incur any civil liability as the result of the lawful
performance of his or her duties under this article.

(q) Notwithstanding the provisions of subsection (a) of
this section, with respect to application by a former law-
enforcement officer honorably retired from agencies
governed by article fourteen, chapter seven of this code;
article fourteen, chapter eight of this code; article two,
chapter fifteen of this code; 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
sheriff as to those requirements set forth in subdivision (9),
subsection (a) of this section, if the officer meets the
remainder of the requirements 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
[Signature]

Chairman House Committee
[Signature]

Originated in the Senate.

In effect from passage.

Clerk of the Senate
[Signature]

Clerk of the House of Delegates
[Signature]

President of the Senate
[Signature]

Speaker House of Delegates
[Signature]

The within is approved this the 19th Day of June, 2003.

Governor
[Signature]
PRESENTED TO THE
GOVERNOR

Date 6/19/03
Time 4:45 PM