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C. P. DEL WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2004



ENROLLED

Committee Substitute for
SENATE BILL NO. 181

(By Senator Unger, et al)



PASSED March 11, 2004

In Effect ninety days from Passage

FILED

2004 MAR 23 P 5: 07

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 181

(SENATORS UNGER, KESSLER, MCCABE, CALDWELL, HARRISON,
SNYDER, OLIVERIO, ROSS, SMITH, SPROUSE, HUNTER, LOVE,
DEMPSEY, WEEKS, WHITE, FANNING, PREZIOSO, JENKINS, ROWE,
PLYMALE, BOWMAN, EDGELL, SHARPE, MINEAR, MINARD AND
TOMBLIN, MR. PRESIDENT, *original sponsors*)

[Passed March 11, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §15-2-25 of the code of West Virginia, 1931, as amended, relating to permitting a retired member of the state police to carry a concealed weapon for the life of the member.

Be it enacted by the Legislature of West Virginia:

That §15-2-25 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

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

1 Subject to the written approval of the governor and the
2 provisions of this article, the superintendent may make
3 and promulgate proper rules for the government, disci-
4 pline and control of the West Virginia state police and
5 shall also cause to be established proper rules for the
6 examinations of all applicants for appointment thereto.
7 The members of the West Virginia state police shall be
8 permitted to carry arms and weapons and no license may
9 be required for the privilege.

10 Upon retirement or medical discharge from the West
11 Virginia state police and with the written consent of the
12 superintendent, any retired or medically discharged
13 member may carry a handgun for the life of the member
14 following retirement or medical discharge notwithstand-
15 ing the provisions of article seven, chapter sixty-one of
16 this code: *Provided*, That the superintendent's written
17 letter of consent to carry a handgun may not last for more
18 than five years at a time and a retired or medically dis-
19 charged member who wishes to continue to carry a hand-
20 gun beyond five years of the date of his or her initial
21 retirement or medical discharge must request and obtain
22 a renewal of the superintendent's written permission to
23 carry a handgun at least once every five years. A retired
24 or medically discharged member desiring to carry a
25 handgun after retirement or medical discharge must
26 provide his or her own handgun. Upon request, each
27 member shall be presented with a letter of authorization
28 signed by the superintendent authorizing the retired or
29 medically discharged member to carry a handgun. The
30 written authorization shall be carried by the retired or
31 medically discharged member at all times that he or she
32 has a handgun on his or her person. The superintendent
33 may not issue a letter of authorization to any retired or
34 medically discharged member who is no longer employed
35 by the state police due to a mental disability or who the
36 superintendent has reason to believe is mentally incapaci-
37 tated to the extent it would present a threat of physical
38 harm to one or more persons for the member to carry a

39 concealed weapon. The superintendent may revoke the
40 authority at any time without cause and without recourse.
41 Conviction of the retired or medically discharged member
42 for the commission of any felony or for a misdemeanor
43 involving the improper or illegal use of a firearm shall
44 cause this authority to terminate immediately without a
45 hearing or other recourse and without any action on the
46 part of the superintendent. The superintendent shall
47 promulgate a legislative rule in accordance with the
48 provisions of chapter twenty-nine-a of this code, which
49 rule shall prescribe requirements necessary for the issu-
50 ance and continuance of the authority herein granted.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *23rd*
Day of *March* , 2004.

[Signature]
.....
Governor

GOVERNMENT
GOVERNMENT

Date 3/18/04

Time 10:10am