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
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 181

(SENATORS UNGER, KESSLER, MCCABE, CALDWELL, HARRISON, SNYDER, OLIVERIO, ROSS, SMITH, SPROUSE, HUNTER, LOVE, DEMPESEY, 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.
Subject to the written approval of the governor and the provisions of this article, the superintendent may make and promulgate proper rules for the government, discipline and control of the West Virginia state police and shall also cause to be established proper rules for the examinations of all applicants for appointment thereto. The members of the West Virginia state police shall be permitted to carry arms and weapons and no license may be required for the privilege.

Upon retirement or medical discharge from the West Virginia state police and with the written consent of the superintendent, any retired or medically discharged member may carry a handgun for the life of the member following retirement or medical discharge notwithstanding the provisions of article seven, chapter sixty-one of this code: Provided, That the superintendent's written letter of consent to carry a handgun may not last for more than five years at a time and a retired or medically discharged member who wishes to continue to carry a handgun beyond five years of the date of his or her initial retirement or medical discharge must request and obtain a renewal of the superintendent's written permission to carry a handgun at least once every five years. A retired or medically discharged member desiring to carry a handgun after retirement or medical discharge must provide his or her own handgun. Upon request, each member shall be presented with a letter of authorization signed by the superintendent authorizing the retired or medically discharged member to carry a handgun. The written authorization shall be carried by the retired or medically discharged member at all times that he or she has a handgun on his or her person. The superintendent may not issue a letter of authorization to any retired or medically discharged member who is no longer employed by the state police due to a mental disability or who the superintendent has reason to believe is mentally incapacitated to the extent it would present a threat of physical harm to one or more persons for the member to carry a
concealed weapon. The superintendent may revoke the
authority at any time without cause and without recourse.
Conviction of the retired or medically discharged member
for the commission of any felony or for a misdemeanor
involving the improper or illegal use of a firearm shall
cause this authority to terminate immediately without a
hearing or other recourse and without any action on the
part of the superintendent. The superintendent shall
promulgate a legislative rule in accordance with the
provisions of chapter twenty-nine-a of this code, which
rule shall prescribe requirements necessary for the issu-
ance and continuance of the authority herein granted.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor