

FILED

2013 APR 29 PM 6: 01

SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2013



**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 2866**

(Delegate(s) Hamilton, A. Evans, Andes, Ireland, Walker,  
Moye, Lynch, P. Smith, J. Nelson, Frich and Sponaugle)



Passed April 12, 2013

In effect ninety days from passage.

HB 2866

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DEPARTMENT OF STATE  
SECRETARY OF STATE

**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**H. B. 2866**

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(BY DELEGATE(S) HAMILTON, A. EVANS, ANDES,  
IRELAND, WALKER, MOYE, LYNCH, P. SMITH, J. NELSON,  
FRICH AND SPONAUGLE)

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[Passed April 12, 2013; in effect ninety days from passage.]

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**AN ACT to amend and reenact §20-2-58 of the Code of West Virginia, 1931, as amended, relating to the prohibited discharge of firearms in proximity to buildings, public roads and crowds; providing a limited and conditional exception to allow a resident of a dwelling house, and his or her authorized guest, to discharge a firearm in a lawful manner within five hundred feet of the dwelling house where the resident lives, subject to certain conditions; conditions giving rise to exception; increasing the distance between where a person is permitted to discharge a firearm in relation to a school or church; and establishing misdemeanor criminal penalties for violations.**

*Be it enacted by the Legislature of West Virginia:*

That §20-2-58 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-58. Shooting across road or near building or crowd; penalty.**

1           (a) In addition to any other prohibitions which may exist by  
2 law, it shall be unlawful for any person to shoot or discharge any  
3 firearms:

4           (1) Across or in any public road in this state, at any time;

5           (2) Within five hundred feet of any school or church; or

6           (3) Within five hundred feet of any dwelling house:  
7 *Provided*, That a person who is a resident of a dwelling house,  
8 and his or her authorized guest, may shoot or discharge a firearm  
9 in a lawful manner within five hundred feet of the dwelling  
10 house where the person lives, if the firearm is being discharged  
11 with the express or implied knowledge and consent of all  
12 residents of that dwelling house, and no other dwelling houses  
13 are located within five hundred feet of where the firearm is  
14 discharged; or

15           (4) On or near any park or other place where persons gather  
16 for purposes of pleasure.

17           (b) Any person violating this section is guilty of a  
18 misdemeanor and, upon conviction thereof, shall be fined not  
19 less than fifty dollars nor more than \$500 or confined in jail for  
20 not more than one hundred days, or both fined and confined.

21           (b) Notwithstanding the provisions of subsection (a) of this  
22 section, any person operating a gun repair shop, licensed to do  
23 business in the State of West Virginia and duly licensed under  
24 applicable federal statutes, may be exempted from the

25 prohibition established by this section and section twelve, article  
26 seven, chapter sixty-one of this code for the purpose of test firing  
27 a firearm. The director of the Division of Natural Resources shall  
28 prescribe such rules as may be necessary to carry out the  
29 purposes of the exemption under this section and section twelve,  
30 article seven, chapter sixty-one and shall ensure that any person  
31 residing in any dwelling home within five hundred feet of such  
32 gun repair shop be given an opportunity to protest the granting  
33 of such exemption.

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

*Sammy Wells*

Chairman, House Committee

Member *Paul F. Fisher*  
Senate Committee

Originating in the House.

In effect ninety days from passage.

*Gregory D. Cook*  
Clerk of the House of Delegates

*Joseph M. Minard*  
Clerk of the Senate

*R. J. ...*  
Speaker of the House of Delegates

*Jeffery ...*  
President of the Senate

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The within is approved this the 29th  
day of April, 2013.

*Carl Ray Tomblin*  
Governor

**PRESENTED TO THE GOVERNOR**

**APR 25 2013**

**Time** 11:40 am