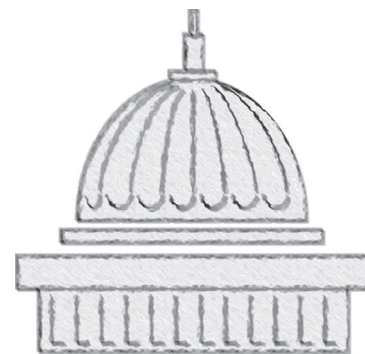


# F. NRA / ILA Firearms Laws for

## WEST VIRGINIA

(as of February, 2008)



Compiled by:

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### A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

#### QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	No	No
Registration of Firearms	No	No
Licensing of Owners	No	No
Permit to Carry	No	Yes

c. includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child by its terms explicitly prohibits the use, attempted use or threatened use of physical force.

#### CARRY

It is unlawful for anyone to carry any handgun concealed on or about the person without a license to carry.

Exceptions. No license is required for:

- Any person carrying any firearm upon his own premises.
- Carrying any firearm, while unloaded, between home, residence or place of business; from place of purchase or to place of repair; while hunting in a lawful manner or while traveling to or from a hunting site and home, residence or place of business.
- A member of a properly organized target shooting club authorized by law to obtain firearms from the United States, to transport a handgun, while unloaded, from place of target practice to or from home, residence or place of business.
- Law enforcement officers, correction employees while on duty, members of the Armed Forces of the United States and the state Militia while on duty.
- Circuit judges, prosecuting attorneys and their assistants, and investigators employed by a prosecuting attorney.
- Any resident of another state who has a carry concealed license issued by a state that has entered into a reciprocity agreement with West Virginia. The governor may execute reciprocity agreements for West Virginia with states that have similar gun permitting laws and that recognize West Virginia licenses.

Application for a license to carry is made to the sheriff of the county where one resides. The application filing fee is \$75.00.

The applicant must:

- Be a citizen or lawful resident of the United States and a resident of the state and county in which application is made.
- Be over the age of 21 years. Those under 21 who already have a license to carry a concealed weapon shall be able to keep their licenses.
- Not be addicted to or an unlawful user of alcohol or controlled substances.

#### STATE CONSTITUTIONAL PROVISION

A person has the right to keep and bear arms for the defense of self, family, home, and state, and for lawful hunting and recreational use. Art. 3, Sec. 22.

#### PURCHASE

It is unlawful for any person to sell, give, rent or lend a firearm to a person prohibited from possessing a firearm.

No state permit is required to purchase a rifle, shotgun or handgun.

#### POSSESSION

No state permit is required to possess a rifle, shotgun or handgun.

Possession is denied to:

- Persons convicted in any court of a crime punishable by imprisonment for a term exceeding one year.
- Individuals discharged from the Armed Forces under less than honorable conditions.
- Individuals adjudged mentally incompetent or involuntarily committed to a mental institution.
- Illegal aliens.
- Addicts or unlawful users of alcohol or controlled substances.
- Individuals subject to a domestic violence protective order that:
  - a. was issued after a hearing on which such person receives actual notice and an opportunity to participate;
  - b. restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury; and

- Not have been convicted of a felony or an act of violence involving the misuse of firearms or deadly weapons.
- Be physically and mentally competent to carry such weapon.
- Have no criminal charges pending and currently not serving a sentence of confinement, parole or probation because of a charge of domestic violence; and is not the subject of a restraining order as a result of domestic violence.
- Not have been adjudicated to be mentally incompetent.
- The applicant has qualified under minimum requirements for handling and firing a pistol or revolver. Persons applying for a license must have completed a training course in handling and firing a handgun. The successful completion of any of the following courses fulfills this training requirement:
  - a) any official National Rifle Association handgun safety or training course;
  - b) 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, organization, or handgun training school utilizing instructors duly certified by such institution;
  - c) 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;
  - d) any handgun training or safety course or class conducted by any branch of the United States military, reserve or national guard.

The training requirement is waived in the case of a renewal applicant who has previously qualified.

The sheriff shall issue or deny the license within 45 days after the application is filed if the background checks have been completed. Any person denied a license may file, in the circuit court in which the application was made, a petition seeking review of the denial. This petition shall be filed within 30 days of the denial and the applicant may be represented by counsel. If this review upholds the denial, an appeal may be filed to the supreme court of appeals.

An additional fee of \$15 is required when the license is approved and issued. The license is good for five years, unless revoked. The sheriff furnishes a copy of the license application to the Superintendent of the State Police.

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.

The license is deemed revoked when the licensee becomes unable to meet the criteria for initial licensure.

## MACHINE GUNS

It is unlawful to carry, transport or possess any machine

gun or sub-machine gun or fully automatic weapon unless properly federally licensed.

## MISCELLANEOUS

Persons under the age of 18 may not carry or possess firearms unless on family premises or on other property with permission of the owner or lessee. Also excepted is lawful hunting or traveling to or from a hunting site.

It is unlawful to publicly display firearms for sale or rent, in such a manner as a passerby on a street, road or alley may see them. It is unlawful to sell or rent firearms to anyone who is prohibited from possessing them.

It is unlawful to brandish a weapon, whether licensed to carry or not, in such a manner as to cause or threaten a breach of the peace.

Carrying or possessing firearms on the property of another is unlawful when prohibited by the owner, lessee or other person charged with the care, custody and control of real property. When requested by the owner, lessee or other person, the individual carrying or possessing the firearm must either relinquish possession or leave the premises.

Municipalities may not restrict the right to purchase, possess, transfer, own, carry, transport, sell or store firearms, ammunition, or ammunition components. The municipalities' laws in effect prior to June 3, 1999 remain in effect. The authority to bring suit and the right to recover against any firearms or ammunition manufacturer, seller, trade association or dealer of firearms by or on behalf of any county or municipality in the state for damages, abatement or injunctive relief resulting from or relating to the design, manufacture, marketing, or sale of firearms or ammunition to the public is reserved exclusively to the state. This does not prohibit a county or municipality from bringing an action for breach of contract or warranty as to firearms or ammunition purchased by the county or municipality.

A hunting law requires that firearms in a motor vehicle be unloaded. In addition, firearms must be cased or taken apart and securely wrapped during the evening and night hours. Exempt from this requirement are persons properly licensed to carry a concealed weapon and who are lawfully carrying their pistol or revolver concealed for self defense purposes while hunting or while in a motor vehicle. There is also an exception for holders of the Class Q special hunting permit for disabled persons to hunt from a vehicle under specified circumstances.

It is unlawful to possess a firearm on any school bus, any public or private primary or secondary school or grounds thereof, or at any school-sponsored function. This shall not apply to a law enforcement officer, or while conducting programs with a valid educational purpose with permission from the board of education or principal, or possession of an unloaded firearm in a locked motor vehicle.

Citation: West Virginia Code §§8-12-5a; 20-2-5; §20-2-46e; 55-18-1 through 2, 61-7-1 et seq.

**CAUTION:** Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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