

On The Mark :

A Guide to Concealed Handgun Laws In West Virginia

**From the Office of the
West Virginia Attorney General**

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Message from the Office of the Attorney General

The Office of the Attorney General has prepared this booklet to assist West Virginians in learning about state concealed handgun laws and the other states which recognize your West Virginia license.

As laws are subject to change, up-to-date information is available on our website at www.wvago.gov.

Please remember that handgun laws are not governed solely by West Virginia law. You must comply with any applicable federal, state, or local laws and regulations, not all of which are contained in this booklet.

Concealed handgun licenses are issued by the sheriff's office in each county. A list of those offices is contained herein.

License to Carry A Concealed Handgun

A person who wishes to carry a concealed handgun must obtain a license (a concealed handgun license or “CHL”). A CHL is not required for a person to own a handgun, keep it in his or her home, place of business or other real property. Licenses to carry a concealed handgun may be obtained from the sheriff of the county in which the applicant is a resident.

Carrying any concealed weapon, including handguns, without a license is a misdemeanor punishable by incarceration for up to one year and a fine of \$100 to \$1,000 for a first offense. A second conviction is a felony punishable by incarceration for not less than one nor more than five years and a fine of not less than \$1,000 nor more than \$5,000. W. Va. Code § 61-7-3. Federal law creates exemptions from state CHL laws for qualified active and retired law enforcement officers. Copies of those statutes regarding firearm laws can be found on our website at www.wvago.gov.

An applicant for a concealed handgun license must complete an application form. The fees associated with a license application are \$75.00 payable to the sheriff's office and \$25.00 to the West Virginia State Police for the criminal background check. One may often obtain a laminated wallet size copy of the license through the sheriff's office. Fees for this vary. State law requires a person to possess his or her CHL and a state-issued photo identification when carrying a concealed handgun. Although a CHL is issued by the county sheriff, it is a statewide permit.

The sheriff has 45 days from the date of application to act on the application, provided all required background checks have been completed. W. Va. Code § 61-7-4(f).

Subject to all applicable laws, any person who may lawfully possess a handgun may carry an unconcealed handgun. For more information about police recommendations regarding transport of concealed and unconcealed weapons, please refer to:

<http://www.wvsp.gov/about/Pages/LegalDivision.aspx>.

Finally, West Virginia law prohibits any person from possessing a loaded hunting firearm in or on any vehicle or conveyance, or its attachments, unless otherwise provided by law or regulation. However, a CHL licensee may carry a handgun in a concealed manner for self defense purposes while field hunting, hiking, camping or in or on a motor vehicle.

Obtaining a West Virginia Concealed Handgun License

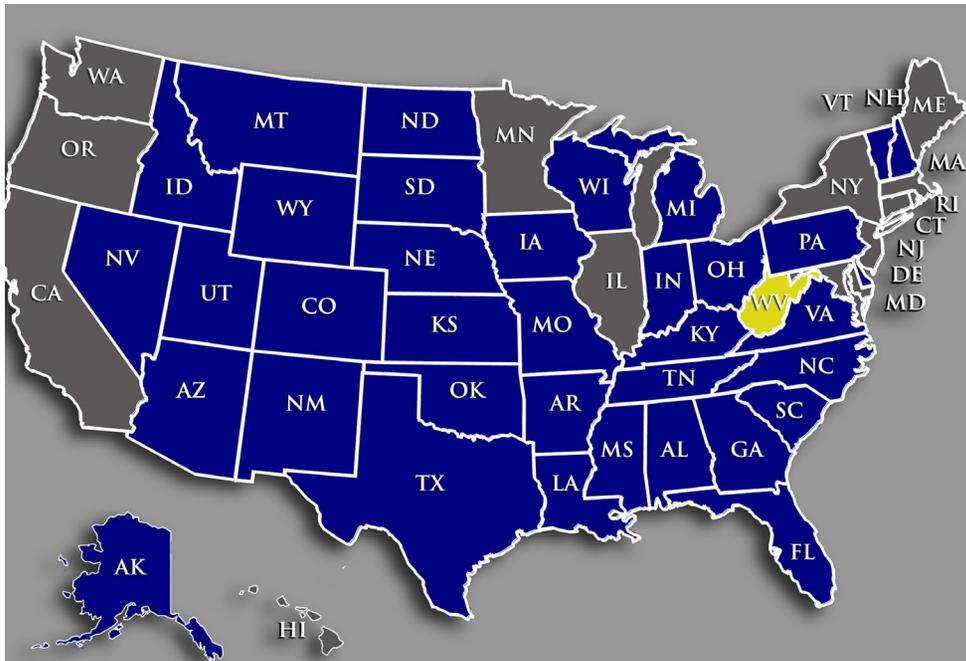
An applicant for a concealed handgun license must meet the following requirements:

- Must be 21 years of age or older and a resident of the county of application and if a foreign national, must be a legal alien;
- Must not be addicted to alcohol, a controlled substance or a drug, and must not be an unlawful user thereof;
- Must not have been convicted of a felony, unless the conviction has been expunged or set aside, or the applicant's civil rights have been restored, or the applicant has been unconditionally pardoned for the offense;
- Must not have been convicted of a misdemeanor crime of violence, other than an offense set forth in W. Va. Code § 61-7-4(a)(7), in the five years immediately preceding the application;
- Must not have been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921 (a)(33), or a misdemeanor offense with similar essential elements under either West Virginia law or the law of another jurisdiction, at any time;
- Must not be under indictment for a felony offense or currently serving a sentence of confinement, parole, probation or other court-ordered supervision imposed by a court of any jurisdiction, and must not be the subject of an emergency or temporary domestic violence protective order or the subject of a final domestic violence protective order entered by a court of any jurisdiction;
- Must not have been adjudicated mentally incompetent or have been involuntarily committed to a mental institution, unless the applicant can provide a court order reflecting that the applicant is no longer under such disability and the applicant's right to possess or receive a firearm has been restored.
- Must not be otherwise prohibited by state or federal law from receiving, possessing, or transporting a firearm.
- Must have successfully completed a handgun training program meeting the requirements of W. Va. Code § 61-7-4.

You may obtain a downloadable application for a West Virginia CHL by going to the Attorney General's website at www.wvago.gov and clicking on the “Gun Reciprocity” link.



WV Gun Reciprocity Map



Honors West Virginia CHL

- | | | |
|-----------------|-----------------------|-----------------------|
| Alabama | Kentucky | Ohio |
| Alaska | Louisiana | Oklahoma |
| Arizona | Michigan | Pennsylvania |
| Arkansas | Mississippi | South Carolina |
| Colorado | Missouri | South Dakota |
| Delaware | Montana | Tennessee |
| Florida | Nebraska | Texas |
| Georgia | Nevada | Utah |
| Idaho | New Hampshire | Vermont* |
| Indiana | New Mexico | Virginia |
| Iowa | North Carolina | Wisconsin** |
| Kansas | North Dakota | Wyoming |

*Does not require CHL to carry
 **Only recognizes permits issued after June 8, 2012

Handgun Reciprocity

“Reciprocity” or “mutual recognition” occurs when two states mutually permit their respective citizens to travel to the other state and lawfully carry a concealed handgun. If West Virginia has “reciprocity” or “mutual recognition” with another state, it means a West Virginia CHL will be recognized as valid in that state, and that state’s CHLs will be recognized as valid in West Virginia. “Formal recognition” of West Virginia CHLs, on the other hand, means that another state will recognize a West Virginia CHL as valid in that state, but West Virginia cannot mutually recognize the other state’s permit due to lack of an agreement or lack of notification from that state’s Governor.

As of the date of this booklet, West Virginia has full handgun reciprocity or mutual recognition agreements with thirty-one (31) states, namely: Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming. The office continues to work with other states to reach additional agreements.

Furthermore, West Virginians with a valid CHL may also legally carry in five (5) other states, subject to the limitations of each particular state’s laws: Indiana, Montana, Nevada, Vermont, and Wisconsin. It is worth noting Vermont law does not restrict who may carry a firearm, and that Wisconsin *only recognizes* West Virginia concealed handgun licenses issued after June 8, 2012.

Because recognition with these five states is not mutual, CHLs from those states will not be recognized as valid in West Virginia.

NOTE: It is very important to remember that, when in another state, a West Virginia licensee is subject to the laws of that state relating to locations where firearms are restricted or limited. Please check with law enforcement in the state or states in which you will be traveling, links for which are included on our website at www.wvago.gov. It is your responsibility to know the laws of the jurisdiction in which you are carrying a concealed deadly weapon.

Locations in West Virginia Where Firearms are Restricted Or Forbidden

Firearms, concealed or otherwise, are by law not allowed in the following locations in West Virginia:

1. Federal government properties or other places where firearms are prohibited by federal law. This includes areas of restricted access in airports.
2. Any property where firearms are prohibited by the owner, lessee or other person charged with the care, custody and control of the real property.¹
3. The State Capitol Complex.
4. Regional jails, detention facilities or State Division of Corrections facilities.
5. County courthouses or any facility housing a court of this state.
6. Any primary or secondary school building, grounds or property, at any school sponsored function or on any school bus or conveyance.
7. Any building or area limited by municipal code.

The West Virginia Legislature recently amended state code to provide for the uniform regulation of firearms, ammunition, and firearm accessories throughout West Virginia. As a result, municipalities may not “limit the right of any person to purchase, possess, transfer, own, carry, transport, sell, or store” any firearm or firearm ammunition. However, municipalities may enact and enforce ordinances that prohibit or regulate the carrying or possessing of firearms in accordance with W.Va. Code § 8-12-5a.

¹ While it is not a crime, when armed, to enter property where firearms are prohibited by the owner, lessee or other person charged with care, custody and control thereof, refusal to relinquish the weapon or refusal to leave the premises upon request while in possession of a firearm or other deadly weapon is a misdemeanor punishable by up to one thousand dollars and/or up to six months in jail. There is no requirement in the law that such property be posted as a “no gun” area. The provisions of this section only apply to property where firearms are not otherwise prohibited by law.

Relevant Provisions of State Law

W.Va. Constitution, Article III, Section 22.

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.

W.Va. Code § 61-7-4. License to carry deadly weapons; how obtained

West Virginia Code Section 61-7-4 sets forth the requirements for obtaining a CHL. To review all of the provisions set forth in 61-7-4, which were amended during the 2014 Legislative Session, please view the Office of the Attorney General’s handbook on state firearm laws, which can be found at www.wvago.gov.

W.Va. Code § 61-7-6. Exceptions as to prohibitions against carrying concealed handguns; exemptions from licensing fees.

(a) The licensure provisions set forth in this article do not apply to:

(1) Any person:

(A) Carrying a deadly weapon upon his or own premises;

(B) Carrying a firearm, unloaded, from the place of purchase to his or her home, residence or place of business or to a place of repair and back to his or her home, residence or place of business; or

(C) Possessing a firearm while hunting in a lawful manner or while traveling from his or her home, residence or place of business to a hunting site and returning to his or her home, residence or place of business;

(2) Any person who is a member of a properly organized target-shooting club authorized by law to obtain firearms by purchase or requisition from this state or from the United States for the purpose of target practice from carrying any pistol, as defined in this article, unloaded, from his or her home, residence or place of business to a place of target practice and from any place of target practice back to his or her home, residence or place of business, for using any such weapon at a place of target practice in training and improving his or her skill in the use of the weapons;

(3) Any law-enforcement officer or law-enforcement official as defined in section one, article twenty-nine, chapter thirty of this code;

(4) Any employee of the West Virginia Division of Corrections duly appointed pursuant to the provisions of section eleven-c, article one, chapter twenty-five of this code while the employee is on duty;

(5) Any member of the armed forces of the United States or the militia of this state while the member is on duty;

(6) Any resident of another state who holds a valid permit or license to possess or carry a handgun issued by a state or a political subdivision subject to the provisions and limitations set forth in section six-a of this article;

(7) Any federal law-enforcement officer or federal police officer authorized to carry a weapon in the performance of the officer's duty;

(8) Any Hatfield-McCoy regional Recreation Authority Ranger while the ranger is on duty; and

(9) Any parole officer appointed pursuant to section fourteen, article twelve, chapter sixty-two of this code in the performance of their duties.

(b) On and after July 1, 2013, the following judicial officers and prosecutors and staff shall be exempted from paying any application fees or licensure fees required under this article. However, on and after that same date, they shall be required to make application and satisfy all licensure and handgun safety and training requirements set forth in section four of this article before carrying a concealed handgun in this state:

(1) Any justice of the Supreme Court of Appeals of West Virginia;

(2) Any circuit judge;

(3) Any retired justice or retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia;

(4) Any family court judge;

(5) Any magistrate;

(6) Any prosecuting attorney;

(7) Any assistant prosecuting attorney; or

(8) Any duly appointed investigator employed by a prosecuting attorney.

W.Va. Code § 61-7-6a. Reciprocity and recognition; out-of-state concealed handgun permits.

(a) A valid out-of-state permit or license to possess or carry a handgun is valid in this state for the carrying of a concealed handgun, if the following conditions are met:

(1) The permit or license holder is twenty-one years of age or older;

(2) The permit or license is in his or her immediate possession;

(3) The permit or license holder is not a resident of the State of West Virginia; and

(4) The Attorney General has been notified by the Governor of the other state that the other state allows residents of West Virginia who are licensed in West Virginia to carry a concealed handgun to carry a concealed handgun in that state or the Attorney General has entered into a written reciprocity agreement with the appropriate official of the other state whereby the state agrees to honor West Virginia concealed handgun licenses in return for same treatment in this state.

(b) A holder of a valid permit or license from another state who is authorized to carry a concealed handgun in this state pursuant to provisions or this section is subject to the same laws and restrictions with respect to carrying a concealed handgun as a resident of West Virginia who is so permitted and must carry the concealed handgun in compliance with the laws of this state.

(c) A license or permit from another state is not valid in this state if the holder is or becomes prohibited by law from possessing a firearm.

(d) The West Virginia Attorney General shall seek to obtain recognition of West Virginia concealed handgun licenses and enter into and execute reciprocity agreements on behalf of the State of West Virginia with states for the recognition of concealed handgun permits issued pursuant to this article.

(e) The West Virginia State Police shall maintain a registry of states with which the State of West Virginia has entered into reciprocity agreements or which recognize West Virginia concealed handgun licenses on the criminal information network and make the registry available to law-enforcement officers for investigative purposes.

(f) Every twelve months after the effective date of this section, the West Virginia Attorney General shall make written inquiry of the concealed handgun licensing or permitting authorities in each other state as to: (i) Whether a West Virginia resident may carry a concealed handgun in their state based upon having a valid West Virginia concealed handgun permit; and (ii) whether a West Virginia resident may carry a concealed handgun permit, pursuant to the laws of that state or by the execution of a valid reciprocity agreement between the states.

(g) The West Virginia State Police shall make available to the public a list of states which have entered into reciprocity agreements with the State of West Virginia or that allow residents of West Virginia who are licensed in West Virginia to carry a concealed handgun to carry a concealed handgun in that state.

Frequently Asked Questions

Q: Is a license required to carry a concealed handgun in West Virginia?

A: Yes. Generally, other than on your own premises, any person who intends to carry a concealed handgun must obtain a license to do so. The only types of weapons which may be carried concealed with a CHL are pistols and revolvers.

The only persons exempt from State licensing requirements are set forth in W. Va. Code § 61-7-6, which is contained on pages 7-8 of this booklet.

Q: How long is a concealed handgun license valid?

A: Five years from the date of issuance, unless revoked prior to that.

Licenses are valid throughout the state during the five-year period.

Q: What do I do if my concealed handgun license has expired?

A: You must apply to the sheriff for renewal of your license and pay the applicable fees. Provided all licensure requirements are met, the sheriff will issue you a new license. The training course requirements are waived for renewal applicants who previously qualified.

Q: What if my license is revoked?

A: Your license will be revoked if you violate or become unable to meet any of the licensing application requirements. You must immediately surrender your license to the issuing sheriff when you become ineligible for continued licensure.

Q: What should I do if my license is lost or destroyed?

A: You may obtain a duplicate or substitute license for a fee of \$5.00 by filing a notarized statement with the issuing sheriff indicating that your license has been lost or destroyed.

Q: Where can I apply for a concealed handgun license?

A: At the office of the sheriff in your county of residence. A list of sheriffs' offices is in this booklet.

Q: How much does a license cost?

A: You pay \$75.00 to the sheriff at the time you apply. If your application is approved, you pay an additional \$25.00 prior to issuance of the license for the State Police background check.

Q: What are the training requirements to obtain a license?

A: Before filing your CHL application, you must present evidence that you have successfully completed one of the following training courses: 1) Any "NRA" (National Rifle Association) handgun safety or training course; 2) Any handgun safety or training course available to the public through an official law enforcement organization or an educational institution; 3) Any handgun safety or training course conducted by an instructor certified by the State or by the NRA; or 4) Any handgun safety or training course conducted by the U.S. military, reserves, or National Guard.

An applicant must present a photocopy of a certificate of course completion, an affidavit from the instructor, or some other document which verifies successful training course completion in order to obtain a license. Typically, county sheriffs require an applicant to have participated in "live fire" as part of any such training courses.

Q: Do West Virginia CHLs qualify as an alternative to a National Instant Criminal Background Check System (NICS) check under the Brady law, 18 U.S.C. Section 922(t)?

A: Yes, West Virginia CHLs issued on or after June 4, 2014, qualify as an alternative to a NICS Background Check under the Brady Law. To find additional information about how to update your West Virginia CHL to qualify, please visit the "Gun Reciprocity" section of our website.

West Virginia County Sheriffs' Offices

John W. Hawkins Barbour County Sheriff 8 North Main Street Philippi, WV 26416 (304) 457-2881	Kenneth Lemaster, Jr. Berkeley County Sheriff 802 Emmett Rousch Drive, Suite C Martinsburg, WV 25401 (304) 267-7000	Randall White Boone County Sheriff 200 State Street Madison, WV 25130 (304) 369-7390
Eddie Williams Braxton County Sheriff Post Office Box 546 Sutton, WV 26601 (304) 765-2838	Charles W. Jackson Brooke County Sheriff 300 Courthouse Square Wellsburg, WV 26070 (304) 737-3660	Thomas W. McComas Cabell County Sheriff 750 Fifth Avenue, Room 101 Huntington, WV 25701 (304) 526-8664
Carl D. Ballengee Calhoun County Sheriff Post Office Box 340 Grantsville, WV 26147 (304) 354-6333	Garrett Samples Clay County Sheriff P.O. Drawer 429 Clay, WV 25043 (304) 587-4260	Michael Headley Doddridge County Sheriff Post Office Box 219 West Union, WV 26456 (304) 873-1000
Steve W. Kessler Fayette County Sheriff Post Office Box 509 Fayetteville, WV 25840 (304) 574-4216	Larry D. Gerwig Gilmer County Sheriff 10 Howard Street Glennville, WV 26351 (304) 462-7441	Emory W. Feaster, Jr. Grant County Sheriff 5 Highland Avenue Petersburg, WV 26847 (304) 257-1818
Jan L. Cahill Greenbrier County Sheriff Post Office Box 347 Lewisburg, WV 24901 (304) 647-6678	John P. Alkire Hampshire County Sheriff 66 North High Street, Room 2 Romney, WV 26757 (304) 822-3894	Ralph A. Fletcher Hancock County Sheriff Post Office Box 458 New Cumberland, WV 26047 (304) 564-3911
Bryan C. Ward Hardy County Sheriff Post Office Box 643 Moorefield, WV 26836 (304) 530-0222	Albert F. Marano Harrison County Sheriff 301 West Main Street Clarksburg, WV 26301 (304) 624-8550	Anthony J. Boggs Jackson County Sheriff Post Office Box 106 Ripley, WV 25271 (304) 373-2290
Peter H. Dougherty Jefferson County Sheriff 102 Industrial Boulevard Kearneysville, WV 25430 (304) 728-3205	John Rutherford Kanawha County Sheriff 301 Virginia Street, East Charleston, WV 25301 (304) 357-0216	Adam M. Gissy Lewis County Sheriff 110 Center Avenue Weston, WV 26452 (304) 269-8251
Ken Farley Lincoln County Sheriff Post Office Box 467 Hamlin, WV 25523 (304) 824-7999	S.M. Dingess Porter Logan County Sheriff 300 Stratton Street, Room 209 Logan, WV 25601 (304) 792-8590	Joseph N. Carpenter Marion County Sheriff Post Office Box 1348 Fairmont, WV 26555 (304) 367-5300
Kevin Cecil Marshall County Sheriff 601 6th Street Moundsville, WV 26041 (304) 843-1500	Greg Powers Mason County Sheriff 200 6th Street Point Pleasant, WV 25550 (304) 675-3838	Martin West McDowell County Sheriff 90 Wyoming Street, Suite 117 Welch, WV 24801 (304) 436-8541

Don Meadows Mercer County Sheriff 1501 Main Street, Suite 120 Princeton, WV 24740 (304) 487-8303	Jeremy Taylor Mineral County Sheriff 150 Armstrong Street Keyser, WV 26726 (304) 788-0341	James Smith Mingo County Sheriff Post Office Box 1270 Williamson, WV 25661 (304) 235-0300
Allen Kisner Monongalia County Sheriff 155 Chancery Row Morgantown, WV 26505 (304) 291-7260	Michael Gravely Monroe County Sheriff Post Office Box 350 Union, WV 24983 (304) 772-3018	Vincent E. Shambough Morgan County Sheriff 111 Fairfax Street Berkeley Springs, WV 25411 (304) 258-1067
David P. Hopkins Nicholas County Sheriff 700 Main Street, Suite 3 Summersville, WV 26651 (304) 872-7880	Patrick Butler Ohio County Sheriff Post Office Box 188 Wheeling, WV 26003 (304) 234-3784	Donald L. Hedrick Pendleton County Sheriff Post Office Box 687 Franklin, WV 26807 (304) 358-2214
D. Wayne Wilson II Pleasants County Sheriff 305 Barkwill Street St. Marys, WV 26170 (304) 684-2285	David R. Jonese Pocahontas County Sheriff 900A Tenth Avenue Marlinton, WV 24954 (304) 799-4445	Daniel R. Loughrie Preston County Sheriff 103 W. Main Street Kingwood, WV 26537 (304) 329-1611
Steve L. Deweese Putnam County Sheriff 3389 Winfield Road Winfield, WV 25213 (304) 586-0256	Steve Tanner Raleigh County Sheriff 215 Main Street Beckley, WV 25801 (304) 255-9195	Mark T. Brady Randolph County Sheriff Post Office Box 1338 Elkins, WV 26241 (304) 636-2100
Brian Backus Ritchie County Sheriff 109 North Street Harrisville, WV 26362 (304) 643-2262	Mike A. Harper Roane County Sheriff 200 Main Street Spencer, WV 25276 (304) 927-2540	Garry E. Wheeler Summers County Sheriff Post Office Box 157 Hinton, WV 25951 (304) 466-7111
Terring W. Skinner Taylor County Sheriff Post Office Box 189 Grafton, WV 26354 (304) 265-3428	Brian K. Wilfong Tucker County Sheriff 318 Second Street Parsons, WV 26287 (304) 478-2321	Earl P. Kendle, Jr. Tyler County Sheriff 121 Court Street Middlebourne, WV 26149 (304) 758-4229
David Coffman Upshur County Sheriff 38 W. Main Street Rm 103 Buckhannon, WV 26201 (304) 472-1185	Greg Farley Wayne County Sheriff 700 Hendricks Street Wayne, WV 25570 (304) 272-6378	David Bender Webster County Sheriff 2 Court Square, Rm. G-3 Webster Springs, WV 26288 (304) 847-2006
John Brookover Wetzel County Sheriff Post Office Drawer D New Martinsville, WV 26155 (304) 455-2430	D. Keith Wilson, Jr. Wirt County Sheriff Post Office Box 669 Elizabeth, WV 26143 (304) 275-4222	Ken Merritt Wood County Sheriff 328 Second Street Parkersburg, WV 26101 (304) 424-1834
Randall Aliff Wyoming County Sheriff Post Office Box 529 Pineville, WV 24874 (304) 732-8000		



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