



State of West Virginia  
Office of the Attorney General

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Attorney General

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April 3, 2020

Sheriff  
County Sheriff's Department

Dear Sheriff:

The purpose of this letter is to provide critical and timely information relative to processing applications, especially for renewals, for Concealed Handgun Licenses (CHLs) during the ongoing State of Emergency. Our office has received numerous questions about CHLs from law enforcement and the public during this time. Citizens want to ensure they can obtain or renew a CHL during this time of uncertainty for their own and their family's safety, and the law enforcement community wants to ensure their colleagues are safe in the face of a pandemic virus. These are all very serious and sincere concerns, and I agree with all of them.

We are working on how we may continue to preserve reciprocity with other states on CHLs and Provisional CHLs, as well as maintain the ATF waiver regarding our CHLs. That is why I wanted to send you and your fellow Sheriffs this information to help make arrangements for the CHL application process to continue in your county while you also work to safeguard the health of your personnel.

As you know, the West Virginia Code establishes the requirements for CHL applications, processing, and issuance. See W. Va. Code § 61-7-4, 61-7-4a (copy attached for your convenience) (the "Application Statutes"). While the Application Statutes require an applicant to file a duly verified application along with the required payment, there is no requirement that the application and payment be personally hand-delivered to your office. This allows your office to receive applications by mail or even via a drop-box that could be located somewhere outside your offices. Measures like these would preserve proper social distancing while allowing the process to continue.

The Application Statutes require that a CHL shall be issued, reissued, or denied and that a Provisional CHL shall be issued or denied within 45 days “after the application is filed if all required background checks authorized by this section are completed” (W. Va. Code § 61-7-4(f), 61-7-4a(f)). There may be concerns about reviewing and approving or denying applicants in that time frame under the current emergency. Even with the guidelines to slow the spread of COVID-19 (social distancing, hand-washing, frequent cleaning, etc.), there are ways to ensure compliance with this statutory time frame. Many state offices are working with very limited personnel in office daily, often alternating staff on multiday rotations, to minimize potential for exposure while maintaining continuity of operations. You may have already implemented a form of this alternative office staffing during the emergency. Regardless, similar staffing modifications could allow your personnel to process and otherwise satisfy requirements of the Application Statutes.

Additionally, for those applicants who are approved, a photo card version of an issued license is required to be issued. *See* W. Va. Code § 61-7-4(h), 61-7-4a(h). While this presents a practically-unavoidable in-person scenario, the Application Statutes do not dictate the process by which you can prepare the photo card version of an issued license. This means that your office has flexibility in terms of how this is to be completed. For example, your department could notify approved applicants that they must call to set up an appointment to be photographed and receive their photo card version. Personnel can then be assured the minimal number of in-person contacts, again seeking to minimize any potential for virus exposure. This would also allow more control over the number of persons in your department offices or courthouse at any time, further improving your ability to maintain any cleaning and sanitizing procedures in place for the pandemic.

The issues raised in this letter are very timely because any failure to live up to the terms of our existing reciprocity agreements may cause West Virginia to lose recognition with other states. We cannot allow that to happen, and that means continuing to comply with our statutory responsibilities.

We are in the midst of an unprecedented situation with unique challenges for everyone. I want to express my deepest appreciation and gratitude for your service – and that of your entire department – to the people of both your county and to the State of West Virginia during these trying days. If our Office may be of further assistance, please do not hesitate to contact us at (304) 558-2021.

Sincerely yours,



Patrick Morrissey  
West Virginia Attorney General

Enclosure