

# **ON THE MARK**

## **A GUIDE TO CONCEALED HANDGUN LAWS IN WEST VIRGINIA**

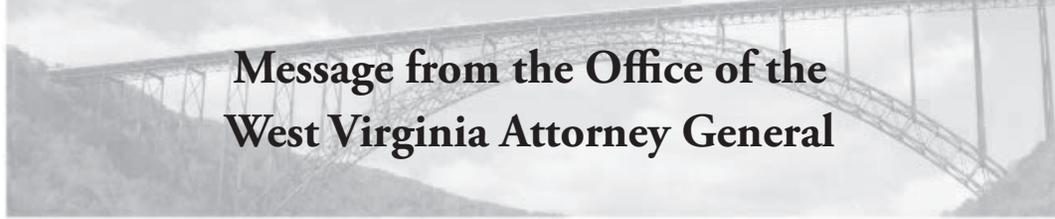
**JULY 2020**

**FROM THE OFFICE OF THE  
WEST VIRGINIA ATTORNEY GENERAL**

**[www.wvago.gov](http://www.wvago.gov)**

# Table of Contents

MESSAGE FROM THE OFFICE OF THE WEST VIRGINIA ATTORNEY GENERAL .....	1
CONSTITUTIONAL CARRY AND CONCEALED HANDGUN LICENSES .....	2
OBTAINING A CONCEALED HANDGUN LICENSE.....	5
LOCATIONS IN WEST VIRGINIA WHERE FIREARMS ARE FORBIDDEN OR RESTRICTED .....	6
FIREARMS IN STATE PARKS AND OTHER STATE AREAS.....	8
CHL RECIPROCITY AND RECOGNITION.....	9
FREQUENTLY ASKED QUESTIONS.....	10
RELEVANT PROVISIONS OF STATE LAW .....	12
WEST VIRGINIA COUNTY SHERIFFS' OFFICES .....	24



## Message from the Office of the West Virginia 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 that recognize your West Virginia concealed handgun license.

Please remember that firearm 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 handbook. When traveling to another state, you must be sure to comply with the applicable firearm laws of that state.

Both optional concealed handgun licenses and mandatory provisional concealed handgun licenses referenced herein are issued by the sheriff's office in your county of residence. A list of those offices is contained herein.

The information provided in this handbook is subject to changes in state law. You can always find up-to-date information occurring after the publication date of this handbook on our website ([www.wvago.gov](http://www.wvago.gov)).

# CONSTITUTIONAL CARRY & CONCEALED HANDGUN LICENSES

West Virginia recognizes the right of persons who are 21 years of age or older, not prohibited by state or federal law from possessing a firearm, and United States citizens or legal residents thereof to carry a concealed weapon within the state without first obtaining a concealed handgun license (“CHL”). This is commonly known as “constitutional carry.” Although West Virginia is a constitutional carry state, an optional CHL may still be obtained by those persons who are residents of West Virginia and desire the benefit of obtaining such license. Also, for qualified non-prohibited persons who are least 18 years of age and less than 21 years of age, state law allows for a provisional CHL as a lawful means to carry concealed handguns. These licenses are more fully explained below.

**IMPORTANT NOTE:** West Virginia’s constitutional carry law applies only to persons physically in the State of West Virginia. It does NOT authorize you to carry a concealed weapon in another state without a license. You MUST obey all weapons laws of other states to which you travel, including laws regarding licensing and prohibited places.

## OPTIONAL CHL

With constitutional carry, non-prohibited persons 21 years or older are not required to obtain a CHL in order to legally carry a concealed weapon in West Virginia. However, CHLs may be obtained by those persons wishing to also obtain the benefits of holding a CHL, which include, but are not limited to: carrying a concealed firearm when traveling to other states that honor or recognize a valid West Virginia license and carrying a concealed handgun in limited circumstances on some primary and secondary school grounds. (See pages 6 and 7 of this booklet for more details on the restrictions on school grounds.)

To obtain a CHL, you must submit an application to your county sheriff’s office, pay all applicable fees, and present proof of handgun safety training that must include live fire. The sheriff must issue the CHL to any applicant who satisfies each of these qualifications, so long as the applicant is not otherwise prohibited by law from possessing a firearm. Following expiration of the CHL, individuals must reapply by submitting an application with the sheriff’s office.

A CHL is valid for a period generally of 5 years, but changes in the law made in early 2019 affect the specific date of expiration. Any CHL in effect as of March 4, 2019, shall, subject to revocation for cause, be valid until (a) the licensee’s birthday during the 5th year from the date of issuance or (b) 5 years from the date of issuance, whichever is later in time. A renewal of any CHL in effect as of March 4, 2019, and any CHL newly issued after March 4, 2019, shall, subject to revocation for cause, be valid for a period of 5 years from the licensee’s most recent birthday.

West Virginia’s concealed carry laws have no impact on your right to openly carry an unconcealed weapon. Instead, the concealed carry laws recognize that persons 21 years of age or older who may lawfully possess a firearm may carry a deadly weapon in a concealed manner without a license. A “deadly weapon” is generally defined as “an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use.” W. Va. Code § 61-7-2(9). It includes, *but is not limited to*, knives, switchblades, metallic knuckles, pistols, revolvers, and blackjacks. W. Va. Code § 61-7-2. Other items will be considered a “deadly weapon” for purposes of this statute where the circumstances of a particular case demonstrate that the weapon was “dangerous or deadly.” *See* Syl. Pt. 5, *State v. Choat*, 178 W. Va. 607, 363 S.E.2d 493 (1987).

## PROVISIONAL CHL

Qualified West Virginia residents 18 to 21 years of age who wish to carry a concealed handgun must, unless otherwise authorized by law, apply for and obtain a provisional CHL before doing so.<sup>1, 2</sup>

The provisional CHL is issued for the concealed carry of a pistol or revolver *only*, and it does not allow or authorize the concealed carry of any other type of deadly weapon. To obtain a provisional CHL, you must submit a completed application to your county sheriff’s office, pay all applicable fees, and present proof of handgun safety training that must include live fire. If you satisfy each of the application qualifications, the sheriff of your county must issue the provisional license. Provisional licenses expire when the individual turns 21.

Unlike persons 21 years of age or older, a person under the age of 21 who carries any deadly weapon without the lawful authorization to do so is guilty of a misdemeanor that is 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. *See* W. Va. Code §§ 61-7-3, 61-7-6.

---

1. Persons between the ages of 18 and 21 in lawful possession of a firearm are not prohibited from carrying an unconcealed firearm (“open carry”) without a provisional license as long as the person obeys all other applicable laws and restrictions.

2. It is important to note that federal law prohibits federally-licensed dealers from transferring a handgun or handgun ammunition to a person between the ages of 18 and 21 years. For guidance on how to lawfully acquire a handgun, please refer to: <https://www.atf.gov/questions-and-answers/qa/may-individual-between-ages-18-and-21-years-age-acquire-handgun-unlicensed>.

## APPLICATION FEES

In addition to completing an application, applicants for both optional and provisional CHLs must pay all required fees. The fee for an optional CHL application is \$25 payable to the sheriff's office and an additional \$25 at the time the license is issued. These CHL fees are not applicable to honorably discharged veterans of the United States armed forces and honorably retired West Virginia State Police officers, deputy sheriffs, municipal police officers, and law enforcement officers of the Division of Natural Resources. For provisional CHLs, the fee is reduced to \$15 payable to the sheriff's office and an additional \$15 at the time the license is issued. A duplicate card, suitable for carrying in a wallet, will be provided to serve as proof of licensure. Although a CHL is issued by the county sheriff, it is a statewide permit.

## OTHER IMPORTANT INFORMATION

No license or registration is required for a non-prohibited person to own a handgun or other firearm, or to keep it in their home, place of business or on other real property owned, leased, or otherwise legally controlled by such person. Anyone who carries a handgun – whether with or without a CHL, or whether openly or concealed – remains subject to all applicable laws and restrictions, examples of which are set forth in this booklet. It is your responsibility to familiarize yourself with areas where firearms are prohibited or restricted by law.

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 ([www.wvago.gov](http://www.wvago.gov)).

While West Virginia law recognizes the rights of law-abiding citizens 21 years of age or older to carry a concealed weapon without first obtaining a license, it also sets forth strict punishments for all persons illegally carrying or possessing firearms. Any person who is prohibited from possessing a firearm and who carries a concealed firearm will be subject to a separate and additional felony offense. W. Va. Code § 61-7-7(d) and (e). Further, and in addition to any and all other offenses provided for under the law, any person who uses or presents a firearm while engaged in the commission of a felony is guilty of a separate and distinct felony offense, which carries a sentence of up to ten years. W. Va. Code § 61-7-15a.

## OBTAINING A CONCEALED HANDGUN LICENSE

An applicant for an optional CHL must be at least 21 years of age. An applicant for a provisional CHL must be at least 18 years of age and less than 21 years of age. In addition to the application fees, applicants will be required to submit a complete application in writing, duly verified, which sets forth the following licensing requirements:

- The applicant's full name, date of birth, Social Security number, a description of the applicant's physical features, the applicant's place of birth, the applicant's country of citizenship and, if the applicant is not a United States citizen, any alien or admission number issued by the United States Bureau of Immigration and Customs Enforcement, and any basis, if applicable, for an exception to the prohibitions of 18 U. S. C. 922(g)(5)(B);
- That, on the date the application is made, the applicant is a bona fide United States citizen or legal resident thereof and resident of this state and of the county in which the application is made and has a valid driver's license or other state-issued photo identification showing the residence;
- That the applicant is not addicted to alcohol, a controlled substance or a drug and is not an unlawful user thereof as evidenced by either of the following within the three years immediately prior to the application:
  - (A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug treatment; or
  - (B) Two or more convictions for driving while under the influence or driving while impaired;
- That the applicant has not 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;
- That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subdivision (a)(7) of either W. Va. Code § 61-7-4 or 61-7-4a in the five years immediately preceding the application;
- That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U. S. C. 921(a)(33), or a misdemeanor offense of assault or battery under either W. Va. Code § 61-2-28 or 61-2-9 (b) or (c) in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense, or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;
- That the applicant is not under indictment for a felony offense or is not currently serving a sentence of confinement, parole, probation or other court-ordered supervision imposed by a court of any jurisdiction or is the subject of

- an emergency or temporary domestic violence protective order or is the subject of a final domestic violence protective order entered by a court of any jurisdiction;
- That the applicant has not been adjudicated to be mentally incompetent or involuntarily committed to a mental institution. If the applicant has been adjudicated mentally incompetent or involuntarily committed, the applicant must 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;
- That the applicant is not prohibited under the provisions of W. Va. Code § 61-7-7 or federal law, including 18 U. S. C. 922(g) or (n), from receiving, possessing or transporting a firearm;
- That the applicant has qualified under the minimum requirements set forth in subsection (d) of either W. Va. Code § 61-7-4 or 61-7-4a for handling and firing the weapon; and
- That the applicant authorizes the sheriff of the county, or his or her designee, to conduct an investigation relative to the information contained in the application.

## LOCATIONS IN WEST VIRGINIA WHERE FIREARMS ARE FORBIDDEN OR RESTRICTED

Except as noted, firearms, concealed or otherwise, are forbidden or restricted by law 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 real property where firearms are prohibited by the owner, lessee, or other person charged with the care, custody, and control of the property.<sup>3</sup> However, the owner, lessee, or other person charged with the care, custody, and control of the property cannot prohibit any customer, employee or invitee from having a lawfully-possessed firearm out of view and locked inside or locked to a motor vehicle in a parking lot when the customer, employee, or invitee is lawfully allowed to be present in that area. Furthermore, the owner, lessee, or other person charged with the care, custody, and control of such property cannot inquire about the presence or absence of a firearm locked inside or locked to a motor vehicle in a parking lot. *See* W. Va. Code § 61-7-14.
3. The State Capitol Complex. *See* W. Va. Code § 61-6-19(b).<sup>4</sup>
4. Regional jails, detention facilities, or State Division of Corrections facilities. *See* W. Va. Code § 61-5-8(c).

5. County courthouses or any facility housing a court, including family courts. *See* W. Va. Code § 61-7-11a.
6. On a school bus or any public primary or secondary education building, structure, facility or grounds including a vocational education building, structure, facility or grounds where secondary vocational education programs are conducted or at a school-sponsored function, or in or on a private primary or secondary education building, structure or facility unless such private institution has adopted written policies allowing for possession of firearms. *See* W. Va. Code § 61-7-11a.<sup>5</sup>
7. Any building or area limited by municipal code.<sup>6</sup>

- 
3. While it is not a crime to carry a firearm onto property where firearms are otherwise 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 \$1,000 and/or up to 6 months in jail. There is no requirement in the law that such property be posted as a "no gun" area. W. Va. Code § 61-7-14 only applies to property where firearms are not otherwise prohibited by law.
  4. A person who may lawfully possess a firearm may keep a firearm in his or her motor vehicle upon the State Capitol Complex, so long as the vehicle is locked and the weapon is out of normal view. W. Va. Code § 61-6-19(b).
  5. This provision does not apply to: a person who, as otherwise permitted by the provisions of W. Va. Code § 61-7-1, *et seq.*, possesses an unloaded firearm in a motor vehicle or leaves an unloaded firearm in a locked motor vehicle; or a person, twenty-one years old or older, who has a valid CHL possessing a concealed handgun while in a motor vehicle in a parking lot, traffic circle or other area of vehicular ingress or egress to a public school, provided that (i) when he or she is occupying the vehicle the person stores the handgun out of view from persons outside the vehicle, or (ii) when he or she is not occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a locked trunk, glove box or other interior compartment, or in a locked container securely fixed to the vehicle. Other individuals exempted from this restriction are identified in W. Va. Code § 61-7-11a(b)(2).
  6. Before carrying a weapon in a West Virginia municipality, it is recommended that you inquire as to such laws with the appropriate city attorney's office.

## FIREARMS IN STATE PARKS AND OTHER STATE AREAS

In addition to certain firearms in hunting related situations, self-defensive firearms are permitted by law in all state parks, state forests, state wildlife management areas and state rail trails as set forth below:

1. A person may carry a handgun for self-defense who is not prohibited from possessing firearms under state or federal law;
2. A person may carry a rifle or shotgun for self-defense who is not prohibited from possessing firearms under state or federal law. However, rifles or shotguns carried in state park, state forest, or state wildlife management area recreational facilities and on marked trails within state park or state forest borders must be carried in a case.

Some state parks or other state areas may be located on property owned by the U.S. Army Corps of Engineers. With very limited hunting exceptions, all firearms are prohibited on Corps of Engineers property. For more information as to whether a particular area is owned by the Corps of Engineers, please visit their website ([www.recreation.gov](http://www.recreation.gov)). For more information on carrying firearms in state parks, please contact the West Virginia Division of Natural Resources or visit their website ([www.wvstateparks.com](http://www.wvstateparks.com)).

### IMPORTANT NOTE:

When carrying a firearm, you must do so not only in compliance with the laws regarding restrictions of where you can carry the firearm, but you must also comply with criminal laws governing the lawful means of HOW to carry the firearm. For example, it is unlawful for any person armed with a firearm or other deadly weapon, whether lawfully carried or not, to carry, brandish or use such a weapon in a way or manner to cause or threaten a breach of the peace. *See* W. Va. Code § 61-7-11. All criminal laws related to firearms are NOT contained in this booklet. It is your responsibility to familiarize yourself with the lawful means of carrying a firearm.

## CHL RECIPROCITY AND RECOGNITION

“Reciprocity” of CHLs occurs when two states enter a written agreement to mutually permit their respective citizens to travel to the other state and lawfully carry a concealed handgun. If West Virginia has a written reciprocity agreement with another state, it means a West Virginia CHL will be honored as valid in that state, and that state’s CHLs will be honored as valid in West Virginia pursuant to the terms of the written agreement.

“Recognition” of West Virginia CHLs means that another state will recognize a West Virginia CHL as valid in that state without the necessity of a written reciprocity agreement. This recognition may or may not be mutual, meaning CHLs from some states may not be recognized in West Virginia despite that state’s recognition of a West Virginia CHL. For mutual recognition to occur, the West Virginia Attorney General must receive an official notification from the governor of the other state that West Virginia CHLs are recognized in that state. *See* W. Va. Code § 61-7-6a.<sup>7</sup>

Finally, there are states like West Virginia that allow anyone who can legally possess a firearm to carry a concealed firearm without a CHL subject to the restrictions defined in the respective state’s law, as well as local restrictions, regardless of that person’s state of residence.<sup>8</sup> This is commonly referred to as “permitless concealed carry” or “constitutional carry.” Currently, those states that have adopted this framework are Alaska, Arizona, Kansas, Maine, Mississippi, Missouri, New Hampshire, and Vermont. Some of these states also recognize West Virginia CHLs, which may provide benefits to the licensee that are not available to persons carrying without a license. Please check with the state’s proper authority for more information prior to any attempt to carry a concealed handgun without a license in those states.

**You can obtain up-to-date information on reciprocity and recognition of your West Virginia CHL by visiting our website ([www.wvago.gov](http://www.wvago.gov)) under the “Gun Reciprocity” link.**

NOTE: When in another state, it is important to remember that all West Virginia citizens are subject to the laws of that other state, including any restrictions related to locations where firearms are prohibited 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 ([www.wvago.gov](http://www.wvago.gov)). It is your responsibility to know the laws of the jurisdiction in which you are carrying a concealed deadly weapon.

7. At the time of this writing, **20 of the states that recognize a West Virginia CHL also recognize a provisional CHL.** However, please check our website ([www.wvago.gov](http://www.wvago.gov)) for further updates. This office is currently seeking a determination with each other state as to whether a provisional CHL will be honored or recognized in those states.

8. Some states, such as Idaho, North Dakota and Wyoming, have different forms of resident-only permitless concealed carry law which allows only residents of the respective states to carry a concealed weapon without first obtaining a license.

## FREQUENTLY ASKED QUESTIONS

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

A: No. CHLs are optional, so long as the person is at least 21 years of age or older, is not prohibited by law from possessing a firearm, and is a United States citizen or legal resident thereof. However, persons between 18 and 21 years of age must obtain a provisional CHL in order to lawfully carry a concealed handgun without some other lawful authorization. Additional exemptions from the state's licensing requirements are set forth in W. Va. Code § 61-7-6, which is on page 13 of this booklet.

**Q: Is there any benefit to obtaining an optional CHL if I am not required to do so?**

A: Yes, a valid optional West Virginia CHL will allow you to lawfully carry a handgun in any state which honors or recognizes West Virginia CHLs. A valid optional West Virginia CHL also qualifies as an alternative to the National Instant Criminal Background Check System (NICS) background check when purchasing a firearm. Finally, persons with a valid West Virginia CHL are permitted to possess a concealed firearm in certain municipal areas where a CHL is required and on certain school grounds. See pages 6 and 7 for further restrictions on these areas.

**Q: Will my provisional CHL be recognized by other states?**

A: As of this writing, 20 states recognize a provisional CHL. This office continues to seek a determination with other states as to whether a provisional CHL will be honored or recognized in those states. For up-to-date information as to current recognition, please visit our website ([www.wvago.gov](http://www.wvago.gov)).

**Q: How long is a CHL valid?**

A: Optional CHLs are valid for 5 years from the date of issuance, unless earlier revoked, and are valid throughout the state. Provisional CHLs are valid throughout the state until the licensee turns 21 years of age unless sooner revoked.

**Q: Can my CHL be revoked?**

A: Yes. Your license will be revoked if you violate or otherwise 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 CHL is lost or destroyed?**

A: You may obtain a duplicate or substitute license for a fee of \$5 by filing a notarized statement with the issuing sheriff indicating that your license has been lost or destroyed.

**Q: How much does a CHL cost?**

A: For an optional CHL for persons 21 years of age or older, the cost is \$25 and is paid to the sheriff at the time you apply. If your application is approved, you must pay an additional \$25 prior to issuance of the license for the State Police background

check. Honorably discharged veterans of the United States armed forces and certain honorably retired law enforcement officers are exempt from these CHL fees. For provisional CHLs, those fees are reduced to \$15 to the sheriff and \$15 to the State Police.

**Q: What are the training requirements to obtain a CHL?**

A: To apply for an optional or provisional CHL, you must present evidence that you have successfully completed one of the following training courses:

- 1) Any official NRA handgun safety or training course;
- 2) 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 or organization or handgun training school utilizing instructors certified by the institution;
- 3) Any handgun safety or training course or class conducted by a handgun instructor certified by the State or by the NRA; or
- 4) For optional CHLs only, any handgun training or safety course or class conducted by any branch of the United States military, reserve or National Guard or proof of other handgun qualification received while serving in any branch of the United States military, reserve or National Guard. For provisional CHLs, any proof of current or former service in the United States armed forces, 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 completion of the required training course in order to obtain a CHL. The document must include the instructor's name, signature and NRA or state instructor identification number, if applicable.

**Q: Is live fire of a handgun required for completion of my training?**

A: Yes. In order to satisfy the handgun safety and training course requirement, proof of actual live firing of ammunition by the applicant is required.

**Q: Do West Virginia CHLs qualify as an alternative to a NICS check under the Brady Law, 18 U.S.C. Section 922(t)?**

A: Optional CHLs issued on or after June 4, 2014, qualify as an alternative to a NICS Background Check. Provisional CHLs will not qualify, and will be clearly marked that the provisional CHL is not NICS exempt. See W. Va. Code § 61-7-4a(h).

**Q: What do I do when my optional CHL has expired?**

A: If you wish to renew your optional CHL, you may apply to the sheriff in your county of residence and pay the applicable fees. Provided that all licensure requirements are met, the sheriff will issue a new license. The training course requirements are waived for renewal applicants who previously qualified.

**Q: Where can I apply for a CHL?**

A: You may apply at the sheriff's office in your county of residence.

**Q: I acquired a CHL in my county of residence, but then I moved to another county in West Virginia. Do I need to obtain a new permit from the sheriff in my new county of residence?**

- A: W. Va. Code § 61-7-4(l) states whenever “any person after applying for and receiving a concealed weapon license moves from the address named in the application to another county within the state, the license remains valid for the remainder of the five years unless the sheriff of the new county has determined that the person is no longer eligible for a concealed weapon license under this article, and the sheriff shall issue a new license bearing the person’s new address and the original expiration date for a fee not to exceed \$5: Provided, That the licensee, within twenty days thereafter, notifies the sheriff in the new county of residence in writing of the old and new addresses.”

## 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 § 61-7-3. Carrying a deadly weapon without provisional license or other authorization by persons under twenty-one years of age; penalties.

- (a) Any person under twenty-one years of age and not otherwise prohibited from possessing firearms under section seven of this article who carries a concealed deadly weapon, without a state license or other lawful authorization established under the provisions of this code, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 and may be imprisoned in jail for not more than twelve months for the first offense; but upon conviction of a second or subsequent offense, he or she is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one nor more than five years and fined not less than \$1,000 nor more than \$5,000.
- (b) The prosecuting attorney in all cases shall ascertain whether or not the charge made by the grand jury is a first offense or is a second or subsequent offense and, if it is a second or subsequent offense, it shall be so stated in the indictment returned, and the prosecuting attorney shall introduce the record evidence before the trial court of such second or subsequent offense and may not be permitted to use discretion in introducing evidence to prove the same at the trial.

### § 61-7-4. License to carry deadly weapons; how obtained.

[West Virginia Code § 61-7-4 sets forth the requirements for obtaining a CHL. To review the specific provisions of § 61-7-4 in greater detail, please access the Office of the Attorney General’s handbook on state firearm laws, which can be found at our website ([www.wvago.gov](http://www.wvago.gov)) under the “Gun Reciprocity” link.]

### § 61-7-4a. Provisional license to carry deadly weapons; how obtained.

[West Virginia Code § 61-7-4a sets forth the requirements for obtaining a provisional CHL. To review the specific provisions of § 61-7-4a in greater detail, please access the Office of the Attorney General’s handbook on state firearm laws, which can be found at our website ([www.wvago.gov](http://www.wvago.gov)) under the “Gun Reciprocity” link.]

### § 61-7-6. Exceptions as to prohibitions against carrying concealed handguns for persons at least eighteen years of age and fewer than twenty-one years of age; exemptions from licensing fees.

- (a) The provisions in section three of this article do not apply to any person at least eighteen years of age and fewer than twenty-one years of age who is:
- (1) Carrying a deadly weapon upon his or her own premises;
  - (2) 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
  - (3) 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;
  - (4) 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;
  - (5) A law-enforcement officer or law-enforcement official or chief executive as defined in section one, article twenty-nine, chapter thirty of this code;
  - (6) An employee of the West Virginia Division of Corrections duly appointed pursuant to section eleven-c, article one, chapter twenty-five of this code while the employee is on duty;
  - (7) A member of the United States armed forces, reserve or National Guard;
  - (8) A 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;
  - (9) A federal law-enforcement officer or federal police officer authorized to carry a weapon in the performance of the officer’s duty; and
  - (10) A parole officer appointed pursuant to section fourteen, article twelve, chapter sixty-two of this code in the performance of his or her duties.
- (b) The following judicial officers and prosecutors and staff are exempt from paying any application fees or licensure fees required under this article. However, they shall make application and satisfy all licensure and handgun safety and training requirements to

obtain a license as set forth in section four of this article:

- (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.

**§ 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 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 of 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 in that state based upon having a valid West Virginia 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.

**§ 61-7-7. Persons prohibited from possessing firearms; classifications; right of nonprohibited persons over twenty-one years of age to carry concealed deadly weapons; offenses and penalties; reinstatement of rights to possess; offenses; penalties.**

- (a) Except as provided in this section, no person shall possess a firearm, as such is defined in section two of this article, who:
  - (1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
  - (2) Is habitually addicted to alcohol;
  - (3) Is an unlawful user of or habitually addicted to any controlled substance;
  - (4) Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of chapter twenty-seven of this code or in similar law of another jurisdiction: Provided, That once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession: Provided, however, That the mental hygiene commissioner or circuit judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;
  - (5) Is an alien illegally or unlawfully in the United States;
  - (6) Has been discharged from the armed forces under dishonorable conditions;
  - (7) Is subject to a domestic violence protective order that:
    - (A) Was issued after a hearing of which such person received actual notice and at which such person had 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 person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
    - (C) (i) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or  
(ii) By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

- (8) Has been convicted of a misdemeanor offense of assault or battery either under the provisions of section twenty-eight, article two of this chapter or the provisions of subsection (b) or (c), section nine of said article or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence. Any person who violates the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined in the county jail for not less than ninety days nor more than one year, or both.
- (b) Notwithstanding the provisions of subsection (a) of this section, any person:
- (1) Who has been convicted in this state or any other jurisdiction of a felony crime of violence against the person of another or of a felony sexual offense; or
  - (2) Who has been convicted in this state or any other jurisdiction of a felony controlled substance offense involving a Schedule I controlled substance other than marijuana, a Schedule II or a Schedule III controlled substance as such are defined in sections two hundred four, two hundred five and two hundred six, article two, chapter sixty-a of this code and who possesses a firearm as such is defined in section two of this article shall be guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not more than five years or fined not more than \$5,000, or both. The provisions of subsection (f) of this section shall not apply to persons convicted of offenses referred to in this subsection or to persons convicted of a violation of this subsection.
- (c) Any person may carry a concealed deadly weapon without a license therefor who is:
- (1) At least twenty-one years of age;
  - (2) A United States citizen or legal resident thereof;
  - (3) Not prohibited from possessing a firearm under the provisions of this section; and
  - (4) Not prohibited from possessing a firearm under the provisions of 18 U. S. C. 922(g) or (n).
- (d) As a separate and additional offense to the offense provided for in subsection (a) of this section, and in addition to any other offenses outlined in this code, and except as provided by subsection (e) of this section, any person prohibited by subsection (a) of this section from possessing a firearm who carries a concealed firearm is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not more than three years or fined not more than \$5,000, or both.
- (e) As a separate and additional offense to the offense described in subsection (b) of this section, and in addition to any other offenses outlined in this code, any person prohibited by subsection (b) of this section from possessing a firearm who carries a concealed firearm is guilty of a felony and, upon conviction thereof, shall be confined in a state

correctional facility for not more than ten years or fined not more than \$10,000, or both.

- (f) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: Provided, That a person prohibited from possessing a firearm by the provisions of subdivision (4), subsection (a) of this section may petition to regain the ability to possess a firearm in accordance with the provisions of section five, article seven-a of this chapter.
- (g) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

**§ 61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.**

- (a) The Legislature finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending and persons employed by schools in this state and for persons employed by the judicial department of this state. It is for the purpose of providing assurances of safety that § 61-7-11a(b), § 61-7-11a(g), and § 61-7-11a(h), of this code and § 61-7-11a(b)(2)(I) of this code are enacted as a reasonable regulation of the manner in which citizens may exercise the rights accorded to them pursuant to section 22, article III of the Constitution of the State of West Virginia.
- (b) (1) It is unlawful to possess a firearm or other deadly weapon:
- (A) On a school bus as defined in § 17A-1-1 of this code;
  - (B) In or on the grounds of any primary or secondary educational facility of any type: *Provided*, That it shall not be unlawful to possess a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds thereof;
  - (C) At a school-sponsored function that is taking place in a specific area that is owned, rented, or leased by the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring.
- (2) This subsection does not apply to:
- (A) A law-enforcement officer employed by a federal, state, county, or municipal law-enforcement agency;

- (B) Any probation officer appointed pursuant to § 62-12-5 or chapter 49 of this code in the performance of his or her duties;
- (C) A retired law-enforcement officer who meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U.S.C. § 926C(c), carries that firearm in a concealed manner, and has on their person official identification in accordance with that act;
- (D) A person, other than a student of a primary and secondary facility, specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;
- (E) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;
- (F) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;
- (G) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity;
- (H) The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity; or
- (I) Any person, 21 years old or older, who has a valid concealed handgun permit may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school: *Provided, That*:
  - (i) When he or she is occupying the vehicle the person stores the handgun out of view from persons outside the vehicle; or
  - (ii) When he or she is not occupying the vehicle the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a glove box or other interior compartment, or in a locked trunk, or in a locked container securely fixed to the vehicle.
- (3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.
- (c) A school principal subject to the authority of the State Board of Education who discovers a violation of § 61-7-11a(b) of this code shall report the violation as soon as possible to:
  - (1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and
  - (2) The appropriate local office of the State Police, county sheriff or municipal

- police agency.
- (d) In addition to the methods of disposition provided by § 49-5-1 *et seq.* of this code, a court which adjudicates a person who is 14 years of age or older as delinquent for a violation of § 61-7-11a(b) of this code may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. If the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward to the Division of Motor Vehicles.
- (e) (1) If a person 18 years of age or older is convicted of violating § 61-7-11a(b) of this code and if the person does not act to appeal the conviction within the time periods described in § 61-7-11a(e)(2) of this code, the person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.
- (2) The clerk of the court in which the person is convicted as described in § 61-7-11a(e)(1) of this code shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the transcript when the person convicted has not requested an appeal within 20 days of the sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward a transcript of the judgment of conviction when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within 30 days after the judgment was entered.
- (3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in § 61-7-11a(e)(1) of this code, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's twentieth birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of § 17C-5A-2 of this code upon a preliminary showing that a

possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within 10 days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

- (4) For the purposes of this subsection, a person is convicted when he or she enters a plea of guilty or is found guilty by a court or jury.
- (f) (1) It is unlawful for a parent, guardian, or custodian of a person less than 18 years of age who knows that the person is in violation of § 61-7-11a(b) of this code or has reasonable cause to believe that the person's violation of § 61-7-11a(b) of this code is imminent to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.
  - (2) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.
- (g) (1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts.
  - (2) This subsection does not apply to:
    - (A) A law-enforcement officer acting in his or her official capacity; and
    - (B) A person exempted from the provisions of this subsection by order of record entered by a court with jurisdiction over the premises or offices.
  - (3) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.
- (h) (1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts, with the intent to commit a crime.
  - (2) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.
- (i) Nothing in this section may be construed to be in conflict with the provisions of federal law.

**§ 61-7-14. Right of certain persons to limit possession of firearms on premises.**

- (a) As used in this section:
  - (1) "Parking lot" means any property that is used for parking motor vehicles and is available to customers, employees, or invitees for temporary or long-term parking or storage of motor vehicles: *Provided*, That for purposes of this section, parking lot does not include the private parking area at a business

- located at the primary residence of the property owner.
- (2) "Motor vehicle" means any privately-owned automobile, truck, minivan, sports utility vehicle, motor home, recreational vehicle, motorcycle, motor scooter, or any other vehicle operated on the roads of this state and, which is required to be registered under state law: *Provided*, That for purposes of this section, motor vehicle does not mean vehicles owned, rented, or leased by an employer and used by the employee in the course of employment.
- (3) "Employee" means any person, who is over 18 years of age, not prohibited from possessing firearms by the provisions of this code or federal law, and
  - (A) Works for salary, wages, or other remuneration;
  - (B) Is an independent contractor; or
  - (C) Is a volunteer, intern, or other similar individual for an employer.
- (4) "Employer" means any business that is a sole proprietorship, partnership, corporation, limited liability company, professional association, cooperative, joint venture, trust, firm, institution, association, or public-sector entity that has employees.
- (5) "Invitee" means any business invitee, including a customer or visitor, who is lawfully on the premises of a public or private employer.
- (6) "Locked inside or locked to" means
  - (A) The vehicle is locked; or
  - (B) The firearm is in a locked trunk, glove box, or other interior compartment, or
  - (C) The firearm is in a locked container securely fixed to the vehicle; or
  - (D) The firearm is secured and locked to the vehicle itself by the use of some form of attachment and lock.
- (b) Notwithstanding the provisions of this article, any owner, lessee or other person charged with the care, custody, and control of real property may prohibit the carrying openly or concealing of any firearm or deadly weapon on property under his or her domain: *Provided*, That for purposes of this section "person" means an individual or any entity which may acquire title to real property: *Provided, however*, That for purposes of this section "natural person" means an individual human being.
- (c) Any natural person carrying or possessing a firearm or other deadly weapon on the property of another who refuses to temporarily relinquish possession of the firearm or other deadly weapon, upon being requested to do so, or to leave the premises, while in possession of the firearm or other deadly weapon, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail not more than six months, or both: *Provided*, That the provisions of this section do not apply to a natural person as set forth in § 61-7-6(a)(5) through § 61-7-6(a)(7) and § 61-7-6(a)(9) through § 61-7-6(a)(10) of this code while acting in his or her official capacity or to a natural person as set forth in § 61-7-6(b)(1) through § 61-7-6(b)(8) of this code while acting in his or her official capacity: *Provided, however*, That under no circumstances, except as provided for by the

provisions of § 61-7-11a(b)(2)(A) through (I) of this code, may any natural person possess or carry or cause the possession or carrying of any firearm or other deadly weapon on the premises of any primary or secondary educational facility in this state unless the natural person is a law-enforcement officer or he or she has the express written permission of the county school superintendent.

- (d) *Prohibited acts.* -- Notwithstanding the provisions of subsections (b) and (c) of this section:
- (1) No owner, lessee, or other person charged with the care, custody, and control of real property may prohibit any customer, employee, or invitee from possessing any legally owned firearm, when the firearm is:
    - (A) Lawfully possessed;
    - (B) Out of view;
    - (C) Locked inside or locked to a motor vehicle in a parking lot; and
    - (D) When the customer, employee, or invitee is lawfully allowed to be present in that area.
  - (2) No owner, lessee, or other person charged with the care, custody, and control of real property may violate the privacy rights of a customer, employee, or invitee either:
    - (A) By verbal or written inquiry, regarding the presence or absence of a firearm locked inside or locked to a motor vehicle in a parking lot; or
    - (B) By conducting an actual search of a motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle: *Provided*, That a search of a motor vehicle in a parking lot to ascertain the presence of a firearm within that motor vehicle may only be conducted by on-duty, law-enforcement personnel, in accordance with statutory and constitutional protections.
    - (C) No owner, lessee, or other person charged with the care, custody, and control of real property may take any action against a customer, employee, or invitee based upon verbal or written statements of any party concerning possession of a firearm stored inside a motor vehicle in a parking lot for lawful purposes, except upon statements made pertaining to unlawful purposes or threats of unlawful actions involving a firearm made in violation of § 61-6-24 of this code.
  - (3) No employer may condition employment upon either:
    - (A) The fact that an employee or prospective employee holds or does not hold a license issued pursuant to § 61-7-4 or § 61-7-4a of this code; or
    - (B) An agreement with an employee or a prospective employee prohibiting that natural person from keeping a legal firearm locked inside or locked to a motor vehicle in a parking lot when the firearm is kept for lawful purposes.
  - (4) No owner, lessee, or other person charged with the care, custody, and control of real property may prohibit or attempt to prevent any customer, employee, or invitee from entering the parking lot of the person's place of business because the customer's, employee's, or invitee's motor vehicle contains a legal firearm

being carried for lawful purposes that is out of view within the customer's, employee's, or invitee's motor vehicle.

- (e) *Limitations on duty of care; immunity from civil liability.* --
- (1) When subject to the provisions of subsection (d) of this section, an employer, owner, lessee, or other person charged with the care, custody, and control of real property has no duty of care related to the acts prohibited under said subsection.
  - (2) An employer, owner, lessee, or other person charged with the care, custody, and control of real property is not liable in a civil action for money damages based upon any actions or inactions taken in compliance with subsection (d) of this section. The immunity provided in this subdivision does not extend to civil actions based on actions or inactions of employers, owners, lessees, or other persons charged with the care, custody, and control of real property unrelated to subsection (d) of this section.
  - (3) Nothing contained in this section may be interpreted to expand any existing duty or create any additional duty on the part of an employer, owner, lessee, or other person charged with the care, custody, and control of real property.
- (f) *Enforcement.* -- The Attorney General is authorized to enforce the provisions of subsection (d) of this section and may bring an action seeking either:
- (1) Injunctive or other appropriate equitable relief to protect the exercise or enjoyment of the rights secured in subsection (d) of any customer, employee, or invitee;
  - (2) Civil penalties of no more than \$5,000 for each violation of subsection (d) and all costs and attorney's fees associated with bringing the action; or
  - (3) Both the equitable relief and civil penalties described in subdivisions (1) and (2) of this section, including costs and attorney's fees. This action must be brought in the name of the state and instituted in the Circuit Court of Kanawha County. The Attorney General may negotiate a settlement with any alleged violator in the course of his or her enforcement of subsection (d) of this section.
  - (4) Notwithstanding any other provision in this section to the contrary, the authority granted to the Attorney General in this subsection does not affect the right of a customer, employee, or invitee aggrieved under the authority of subsection (d) of this section to bring an action for violation of the rights protected under this section in his or her own name and instituted in the circuit court for the county where the alleged violator resides, has a principal place of business, or where the alleged violation occurred. In any successful action brought by a customer, employee, or invitee aggrieved under the authority of subsection (d) of this section, the court may award injunctive or other appropriate equitable relief and civil penalties as set forth in subdivisions one, two and three of this subsection. In any action brought by a customer, employee, or invitee aggrieved under the authority of subsection (d) of this section, the court shall award all court costs and attorney's fees to the prevailing party.

# West Virginia County Sheriffs' Offices

Barbour County Sheriff  
Philip Ferguson  
26 N. Main St., Ste. 1  
Philippi, WV 26416  
304-457-2352

Berkeley County Sheriff  
Curtis Keller  
510 S. Raleigh St.  
Martinsburg, WV 25401  
304-267-7000

Boone County Sheriff  
Randall White  
206 Court St.  
Madison, WV 25130  
304-369-7390

Braxton County Sheriff  
Eddie Williams  
P.O. Box 546  
Sutton, WV 26601  
304-765-3308

Brooke County Sheriff  
Larry C. Palmer, Jr.  
300 Courthouse Sq.  
Wellsburg, WV 26070  
304-737-3660

Cabell County Sheriff  
Charles "Chuck" Zerkle  
750 Fifth Ave., Rm. 101  
Huntington, WV 25701  
304-526-8663

Calhoun County Sheriff  
Jeff Starcher  
P.O. Box 340  
Grantsville, WV 26147  
304-354-6333

Clay County Sheriff  
Randy Holcomb, Interim  
P.O. Box 429  
Clay, WV 25043  
304-587-4260

Doddridge County Sheriff  
Michael Headley  
P.O. Box 219  
West Union, WV 26456  
304-873-1944

Fayette County Sheriff  
Mike Fridley  
Box 509, 100 N Court St. Ste 5  
Fayetteville, WV 25840  
304-574-4259

Gilmer County Sheriff  
Larry Gerwig  
10 Howard St.  
Glenville, WV 26351  
304-462-7441

Grant County Sheriff  
Brian Ours  
5 Highland Ave.  
Petersburg, WV 26847  
304-257-1818

Greenbrier County Sheriff  
Bruce Sloan  
P.O. Box 347  
Lewisburg, WV 24901  
304-647-6678

Hampshire County Sheriff  
John P. Alkire  
66 N. High St., Rm. 203  
Wellsburg, WV 26070  
304-822-3894

Hancock County Sheriff  
Ralph A. Fletcher  
P.O. Box 458  
New Cumberland, WV 26047  
304-564-3911

Hardy County Sheriff  
Bryan C. Ward  
206 Washington St.  
Moorefield, WV 26836  
304-530-0222

Harrison County Sheriff  
Robert Matheny  
301 W. Main St.  
Clarksburg, WV 26301  
304-624-8550

Jackson County Sheriff  
Anthony Boggs  
98 N. Maple St.  
Ripley, WV 25271  
304-373-2290

Jefferson County Sheriff  
Peter Dougherty  
102 Industrial Blvd.  
Kearneysville, WV 25430  
304-728-3205

Kanawha County Sheriff  
Mike Rutherford  
301 Virginia St. E.  
Charleston, WV 25301  
304-357-0216

Lewis County Sheriff  
Adam M. Gissy  
117 Court Ave.  
Weston, WV 26452  
304-269-8251

Lincoln County Sheriff  
Gary "Butch" Linville  
P.O. Box 467  
Hamlin, WV 25523  
304-824-7990 ext. 279

Logan County Sheriff  
S.M. Dingess Porter  
300 Stratton St., Rm. 209  
Logan, WV 25601  
304-792-8590

Marion County Sheriff  
James C. Riffle  
316 Monroe St.  
Fairmont, WV 26554  
304-367-5300

Marshall County Sheriff  
Kevin Cecil  
601 Seventh St.  
Moundsville, WV 26041  
304-843-1550

Mason County Sheriff  
Greg Powers  
525 Main St.  
Point Pleasant, WV 25550  
304-675-3838

McDowell County Sheriff  
Martin West  
350 Virginia Ave., Ste. 101  
Welch, WV 24801  
304-436-8541

Mercer County Sheriff  
Tommy T.A. Bailey  
1501 W. Main St., Ste. 31  
Princeton, WV 24740  
304-487-8364

Mineral County Sheriff  
Jeremy Taylor  
100 East St.  
Keyser, WV 26726  
304-788-0441

Mingo County Sheriff  
James Smith  
P.O. Box 1270  
Williamson, WV 25661  
304-235-0300

Monongalia County Sheriff  
Perry Palmer  
116 Walnut St.  
Morgantown, WV 26505  
304-291-7260

Monroe County Sheriff  
Kenneth Hedrick  
P.O. Box 350  
Union, WV 24983  
304-772-3018

Morgan County Sheriff  
Kim "K.C." Bohrer  
226 Gayle Dr.  
Berkeley Springs, WV 25411  
304-258-1067

Nicholas County Sheriff  
William F. Nunley  
700 Main St., Ste. 3  
Summersville, WV 26651  
304-872-7880

Ohio County Sheriff  
Tom Howard  
51 16<sup>th</sup> St.  
Wheeling, WV 26003  
304-234-3718

Pendleton County Sheriff  
Donald L. Hedrick  
P.O. Box 687  
Franklin, WV 26807  
304-358-2214

Pleasants County Sheriff  
D. Wayne Wilson II  
305 Barkwill St.  
St. Marys, WV 26170  
304-684-2285

Pocahontas County Sheriff  
Jeff Barlow  
900 Jail Ln.  
Marlinton, WV 24954  
304-799-4445

Preston County Sheriff  
Daniel Loughrie  
103 W. Main St.  
Kingwood, WV 26537  
304-329-1611

Putnam County Sheriff  
Steve L. Deweese  
236 Courthouse Dr., Ste. 8  
Winfield, WV 25213  
304-586-0256 opt. 1

Raleigh County Sheriff  
Scott Van Meter  
215 Main St.  
Beckley, WV 25801  
304-255-9195

Randolph County Sheriff  
Mark T. Brady  
32 Randolph Ave., Ste. 201  
Elkins, WV 26241  
304-636-2100 opt. 3

Ritchie County Sheriff  
Terry Snodgrass  
109 North St.  
Harrisville, WV 26362  
304-643-2262

Roane County Sheriff  
Todd Cole  
200 Main St.  
Spencer, WV 25276  
304-927-2540

Summers County Sheriff  
Garry E. Wheeler  
123 Temple St.  
Hinton, WV 25951  
304-466-7111

Taylor County Sheriff  
Terry A. Austin  
214 W. Main St.  
Grafton, WV 26354  
304-265-3428

Tucker County Sheriff  
Brian K. Wilfong  
215 First St.  
Parsons, WV 26287  
304-478-2321

Tyler County Sheriff  
Brian M. Weigle  
P.O. Box 7  
Middlebourne, WV 26149  
304-758-4229

Upshur County Sheriff  
David Coffman  
38 W. Main St., Rm. 103  
Buckhannon, WV 26201  
304-472-1180 ext. 126

Wayne County Sheriff  
Rick Thompson  
P.O. Box 218  
Wayne, WV 25570-0218  
304-272-6378

Webster County Sheriff  
David Cutlip  
2 Court Square, Rm. G-3  
Webster Springs, WV 26288  
304-847-2006

Wetzel County Sheriff  
Mike Koontz  
P.O. Drawer D  
New Martinsville, WV 26155  
304-455-2430

Wirt County Sheriff  
Travis Corbitt  
P.O. Box 669  
Elizabeth, WV 26143  
304-275-4222

Wood County Sheriff  
Steve Stephens  
401 Second St., Ste. 11  
Parkersburg, WV 26101  
304-424-1834

Wyoming County Sheriff  
Randy Brooks, Interim  
P.O. Box 529  
Pineville, WV 24874  
304-732-8000 ext. 304



Office of the Attorney General  
State Capitol Complex, Bldg 1, Rm E-26  
Charleston, WV 25305  
Phone: 304-558-2021