

On The Mark:

A Guide to Concealed Handgun Laws in West Virginia

From the Office of the
West Virginia Attorney General

ago.wv.gov

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Message from the **Office of the Attorney General**

The West Virginia Attorney General's Office wants you to be as informed as possible about gun laws in the Mountain State. We hope this booklet will help you have a better understanding of Constitutional Carry, concealed handgun licenses, and reciprocity agreements with other states.

Please remember that firearm laws are not governed solely by West Virginia law. You must comply with any applicable federal, state, and local laws and regulations, most of which are not included in this handbook. When traveling to another state, you must comply with that state's firearm laws. This is especially important for any non-resident who receives a West Virginia concealed handgun license, which may or may not be recognized by their home state.

Optional concealed handgun licenses, for reciprocity purposes, are issued by the sheriff's office in your county of residence. Those offices are listed at the end of this booklet. Also note that many states—including West Virginia—have “permitless concealed carry,” meaning that anyone who can legally possess a handgun may carry a concealed handgun on his or her person without a license or permit.

The information provided in this handbook is subject to changes as state law evolves. You can always find up-to-date information occurring after the publication date of this handbook on our website, ago.wv.gov.

Constitutional Carry & Concealed Handgun Licenses

OVERVIEW

West Virginia recognizes the right of all United States citizens or legal residents who are 18 years of age or older and not prohibited by state or federal law from possessing a firearm or other deadly weapon, to carry a concealed handgun within the state without first obtaining a concealed handgun license (CHL). This is commonly known as “constitutional carry” or “permitless concealed carry.” (See W.Va. Code §61-7-7(c).)

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 a license.

West Virginia allows permitless open carrying of firearms. This is commonly known as “permitless open carry.”

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, qualifying persons 18 years of age or older are not required to obtain a CHL in order to legally carry a concealed pistol or revolver in West Virginia. However, persons aged 21 years or older may obtain an optional CHL if they wish to have the benefits of holding a CHL. Those benefits include carrying a concealed handgun when traveling to other states that honor or recognize a valid West Virginia CHL and possessing a concealed handgun in very limited circumstances on some primary and secondary school grounds.

See pages 7 and 27-30 for more details on the restrictions on school grounds.

Both residents and nonresidents of West Virginia may apply for a West Virginia CHL. To obtain a resident CHL, a West Virginia resident must submit an application to the sheriff’s office of the county in which they reside, pay all applicable fees, and present proof of handgun safety training that must include live fire. For a nonresident, the application requirements are the same,

but the applicant can submit their application to any county sheriff and pay all applicable fees to the sheriff they select. 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.

Any newly issued CHL shall, subject to revocation for cause, be valid for a period of 5 years from the licensee's most recent birthday, at which time an application for a CHL must be re-submitted to the county sheriff's office.

PROVISIONAL CHL (AGES 18–20)

Qualified West Virginia residents 18 to 20 years of age may carry a concealed handgun without a license; however, they may also obtain a provisional CHL if they wish to have the benefits of a CHL. **Note:** certain states recognize West Virginia CHLs but not provisional CHLs. Check the laws or regulations for the specific state you are visiting to determine if provisional CHLs are recognized by that state.

The benefits of this provisional CHL apply to the concealed carry of a pistol or revolver only. 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. The specific requirements for obtaining a provisional CHL are similar to those for obtaining a CHL.

See **W. Va. Code §61-7-4a** for further details regarding the provisional CHL.

APPLICATION FEES

In addition to completing an application, applicants for the resident and nonresident CHLs must pay all required fees, which are specified in the West Virginia Code (see **§61-7-4, 61-7-4a**). These CHL fees do not apply to certain groups specified by West Virginia law, including:

- 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 (see **W. Va. Code §61-7-4(q)**);
- Supreme Court of Appeals justices, family and circuit court judges, retired justices or retired circuit court judges designated senior status by the Supreme Court of Appeals, magistrates, prosecuting attorneys or assistant prosecuting attorneys, and duly appointed investigators employed by prosecuting attorneys (see **W. Va. Code §61-7-6**).

A duplicate card, suitable for carrying in a wallet, will be provided to serve as proof of licensure. CHLs and Provisional CHLs are statewide permits.

OBTAINING A CONCEALED HANDGUN LICENSE

An applicant for an optional CHL must be at least 21 years of age (see **W. Va. Code §61-7-4**). An applicant for a provisional CHL must be at least 18 years of age and less than 21 years of age (see **W. Va. Code §61-7-4a**). 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 (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)**;
- The applicant must, on the date the application is made, be a bona fide United States citizen or legal resident thereof and have a valid driver's license or other state-issued photo identification showing residence;
- The applicant is not addicted to alcohol, a controlled substance or 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 of a misdemeanor offense of assault or battery, either under **W. Va. Code §61-2-28** or **61-2-9(b)** or (c), in which the victim was a current or former spouse, a person with whom the defendant cohabits or has cohabited,

a parent or guardian, the defendant's child, ward, or a member of the defendant's household at the time of the offense, or of 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, is not currently serving a sentence of confinement, parole, probation, or other court-ordered supervision imposed by a court of any jurisdiction, is not the subject of an emergency or temporary domestic violence protective order, and is not 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 been 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 laws, 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 under either W. Va. Code §61-7-4(e) or 61-7-4a(d) for handling and firing a handgun; 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:

- Federal government properties or other places where firearms are prohibited by federal law. This includes areas of restricted access in airports;
- Any real property where firearms are prohibited by the owner, lessee, or other person charged with the care, custody, and control of the property.¹ However, the owner, lessee, or other person charged with the

¹ 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.

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 (see **W. Va. Code §61-7-14**);

- The State Capitol Complex² (see **W. Va. Code §61-6-19(b)**);
- Regional jails, detention facilities or State Division of Corrections facilities (see **W. Va. Code §61-5-8(c)**);
- County courthouses or any facility housing a court, including family courts (see **W. Va. Code §61-7-11a**);
- 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 a private primary or secondary education building, structure or facility, unless such private institution has adopted written policies allowing for possession of firearms³ (see **W. Va. Code §61-7-11a**);
- Any municipally owned or operated building as enacted by municipal ordinance⁴ (see **W. Va. Code §8-12-5a**).

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:

- A person who is not prohibited from possessing firearms under state or federal law may carry a handgun for self-defense;
- A person who is not prohibited from possessing firearms under state or federal law may carry a rifle or shotgun for self-defense. However, rifles or shotguns carried in a 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. Corps of Engineers. With very limited hunting exceptions,

² 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. See **W. Va. Code §61-6-19(b)**.

³ This provision does not apply to 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 the handgun is stored out of view and the vehicle is locked when unoccupied. Other individuals exempted from this restriction are identified in **W. Va. Code §61-7-11a(b)**.

⁴ Before carrying a weapon in a West Virginia municipality, it is recommended that you inquire as to all limits and prohibitions with the appropriate city attorney's office.

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, for the Eastern Panhandle, visit www.nab.usace.army.mil/, and for the rest of the state, visit www.lrd.usace.army.mil/Missions/Recreation/West-Virginia/. 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.

IMPORTANT NOTE: When carrying a firearm, you must do so not only in compliance with the laws regarding restrictions on 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.

FIREARMS IN NATIONAL PARKS

In areas administered by the National Park Service (NPS), an individual can possess a firearm if that individual is not otherwise prohibited by law from possessing the firearm and if the possession of the firearm complies with the laws of the state where the park area is located (see 54 U.S.C. §104906).

It is the responsibility of visitors to understand and comply with all applicable federal, state and local firearms laws and regulations, including laws authorizing or prohibiting concealed carry, before entering a national park. Some parks are located in more than one state or locality which means that the applicable laws may change depending upon where you are located within a park area.

In West Virginia, people carrying in our national park — the New River Gorge National Park & Preserve — on trails and in the open parkland would follow West Virginia law, which allows a permitless carry for eligible individuals.

Unless expressly authorized, federal law (18 U.S.C. §930) prohibits possession of a firearm or other dangerous weapon inside NPS buildings — including government offices, visitor centers, ranger stations, fee collection buildings, and maintenance facilities. If you have questions about the firearm rules in a particular park, contact that park for more information prior to visiting.

The rules for possessing and carrying firearms are generally the same in national forests. Check the U.S. Forest Service website for more information at fs.usda.gov.

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 per that state’s laws without the necessity of a written reciprocity agreement. (See **W. Va. Code §61-7-6a**).

Remember: West Virginia is also a “permitless carry” state, meaning that a non-resident of West Virginia may carry a concealed handgun in West Virginia as long as that person is at least 18 years old, is a U.S. citizen or legal resident of the U.S., and is not otherwise prohibited from possessing a firearm under state or federal law. Some other states are permitless carry and allow anyone who can legally possess a firearm to carry a concealed firearm without a CHL, regardless of that person’s state of residence, subject to the restrictions defined in state, federal, and local law.

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 appropriate state authority for more information before attempting 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 at ago.wv.gov, under the Gun Reciprocity section.

To nonresident West Virginia CHL holders: please check with the proper authority on whether that state’s reciprocity or recognition of West Virginia CHLs also covers your nonresident CHL. **NOTE: When in another state, it is important to remember that all West Virginia residents are subject to the laws of the state you are currently in, including any restrictions related to locations where firearms are prohibited or limited. Please check with law enforcement in the state or states where you will be traveling.**

It is *your* responsibility to know the laws of the jurisdiction in which you are carrying a deadly weapon.

Frequently Asked Questions

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

A: No, under certain circumstances. As of June 12, 2026 (effective date of HB 4106), any person who is (1) at least 18 years of age, (2) a United States citizen or legal resident, and (3) not prohibited by state or federal law from possessing a firearm may carry a concealed handgun in West Virginia without a license. CHLs remain optional and provide additional benefits. Additional exemptions from the state's licensing requirements are set forth in W. Va. Code §61-7-6, which is set forth in this booklet.

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

A: Yes. A valid West Virginia CHL will allow you to lawfully carry a handgun in any state which honors or recognizes West Virginia CHLs. A valid 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 7 and 27-30 for further restrictions on these areas.

Q: How long is a CHL valid?

A: Optional CHLs are valid for 5 years from the licensee's most recent birthday, 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 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 \$5.00 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: You pay \$75.00 to the sheriff at the time you apply. If your application is approved, you must pay an additional \$25.00 prior to issuance of the license for the State Police background check. Honorably discharged veterans of the United States armed forces, certain honorably retired law enforcement officers, certain judges and prosecutors are exempt from these CHL fees. Refer to pages 21 and 22 in this booklet for more information.

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

A: Before filing your CHL application, you must present evidence that you have successfully completed one of the following training courses:

- Any National Rifle Association (NRA) handgun safety or training course;
- Any handgun safety or training course available to the public through an official law enforcement organization or an educational institution;
- Any handgun safety or training course conducted by an instructor certified by the State or by the NRA; or
- 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 that verifies successful training course completion in order to obtain a license. Live fire is required.

Q: Where can I apply for a CHL?

A: At the sheriff's office in your county of residence. Out-of-state applicants may apply at any county sheriff's office in West Virginia.

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?

A: No. W. Va. Code § 61-7-4(m)(1) states that whenever a person moves to another county within the state, the license remains valid for the remainder of the five years. The sheriff of the new county will issue a new license bearing the person's new address and the original expiration date for a fee not to exceed \$5, provided the licensee notifies the sheriff in the new county of residence in writing within twenty days of the old and new addresses.

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 do not qualify and are clearly marked as “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.

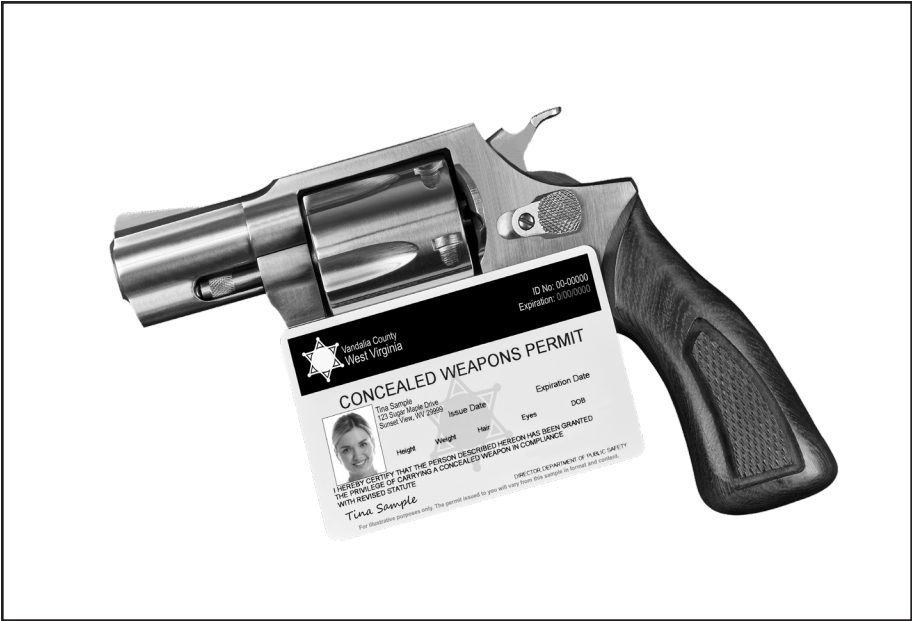


Photo of a pistol/revolver and sample Concealed Handgun License. For illustrative purposes only. The permit issued to you will vary from this sample in format and content.

West Virginia County Sheriffs' Offices

Barbour County
206 S. Main St.
Philippi, WV 26416
304-457-2352

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

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

Braxton County
300 Main St., Ste. 103
Sutton, WV 26601
304-765-2830

Brooke County
300 Courthouse Sq.
Wellsburg, WV 26070
304-737-3660

Cabell County
750 Fifth Ave., Rm. 101
Huntington, WV 25701
304-526-8663

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

Clay County
P.O. Box 429
Clay, WV 25043
304-587-4260

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

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

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

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

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

Hampshire County
66 N. High St., 2nd Floor
Romney, WV 26757
304-822-3894

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

Hardy County
206 Washington St.
Moorefield, WV 26836
304-530-0222

Harrison County
229 S. Third St.
Clarksburg, 26301
304-413-7705

Jackson County
P.O. Box 106
Ripley, WV 25271
304-373-2290

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

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

Lewis County
117 Court Ave.
Weston, WV 26452
304-269-8251

Lincoln County
P.O. Box 467
Hamlin, WV 25523
304-824-7990, ext. 225

Logan County
300 Stratton St., Rm. 209
Logan, WV 25601
304-792-8590

Marion County
316 Monroe St.
Fairmont, WV 26554
304-367-5300

Marshall County
601 Seventh St.
Moundsville, WV 26041
304-843-1500

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

McDowell County
350 Virginia Ave., Ste. 101
Welch, WV 24801
304-436-8523

Mercer County
1501 W. Main St., Ste. 31
Princeton, WV 24740
304-487-8364

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

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

Monongalia County

116 Walnut St.
Morgantown, WV 26505
304-291-7260

Monroe County

P.O. Box 350
Union, WV 24983
304-772-3096, ext. 5

Morgan County

226 Gayle Dr.
Berkeley Springs, WV 25411
304-258-1067

Nicholas County

700 Main St., Ste. 3
Summersville, WV 26651
304-872-7880

Ohio County

51 16th St.
Wheeling, WV 26003
304-234-3718

Pendleton County

P.O. Box 687
Franklin, WV 26807
304-358-2214

Pleasants County

305 Barkwill St.
St. Marys, WV 26170
304-684-2285

Pocahontas County

900 Jail Ln.
Marlinton, WV 24954
304-799-4445

Preston County

103 W. Main St.
Kingwood, WV 26537
304-329-1611

Putnam County

236 Courthouse Dr., Ste. 8
Winfield, WV 25213
304-586-0256, opt. 1

Raleigh County

215 Main St.
Beckley, WV 25801
304-255-9195

Randolph County

32 Randolph Ave., Ste. 201
Elkins, WV 26241
304-636-2100, opt. 3

Ritchie County

109 North St., Ste. 101
Harrisville, WV 26362
304-643-2262

Roane County

200 Main St.
Spencer, WV 25276
304-927-2540

Summers County

123 Temple St.
Hinton, WV 25951
304-466-7111

Taylor County

214 W. Main St.
Grafton, WV 26354
304-265-3428

Tucker County

215 First St.
Parsons, WV 26287
304-478-2321

Tyler County

P.O. Box 7
Middlebourne, WV 26149
304-758-4229

Upshur County

38 W. Main St., Rm. 103
Buckhannon, WV 26201
304-472-1182

Wayne County

P.O. Box 218
Wayne, WV 25570-0218
304-272-6378

Webster County

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

Wetzel County

P.O. Drawer D
New Martinsville, WV 26155
304-455-8228

Wirt County

P.O. Box 669
Elizabeth, WV 26143
304-275-4222

Wood County

401 Second St., Ste. 11
Parkersburg, WV 26101
304-424-1834

Wyoming County

P.O. Box 529
Pineville, WV 24874
304-732-8000, ext. 304



West Virginia Firearm Laws: Key Statutes

*The statutes below reflect amendments enacted in 2026 by HB 4106, effective June 12, 2026.
For complete statutory text, visit [ago.wv.gov](https://www.legis.wv.gov).*

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. [Repealed by HB 4106, effective June 12, 2026]

This provision, which previously made it a crime for persons under 21 years of age to carry a concealed deadly weapon without a provisional license, was repealed. As of June 12, 2026, persons 18 years of age or older who are not otherwise prohibited may carry a concealed deadly weapon without a license.

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

- (a)(1) Except as provided in §61-7-4(q) of this code, a legal resident or citizen of West Virginia desiring to obtain a state resident license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for the license, and pay to the sheriff, at the time of application, a fee of \$50. A concealed weapons license may only be issued for pistols and revolvers.
- (2) A legal resident or citizen of another state of the United States desiring to obtain a nonresident state license to carry a concealed deadly weapon shall apply to a sheriff of any county in this state for the license, and pay to the sheriff, at the time of application, a fee of \$100. A concealed weapons license may only be issued for pistols and revolvers.
- (b) Each applicant for a state resident license or nonresident license to carry a concealed deadly weapon shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:
 - (1) The applicant's full name, date of birth, 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);
 - (2) That, on the date the application is made, the applicant is a bona fide United States citizen or legal resident thereof and either a resident of this state and of the county in which the application is made or a resident of another state in the United States and has a valid driver's license or other state-issued or federally issued photo identification showing the residence;
 - (3) That the applicant is 21 years of age or older;
 - (4) 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;

(5) 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;

(6) That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subdivision (7) of this subsection in the five years immediately preceding the application;

(7) 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 either under §61-2-28 of this code or §61-2-9(b) or §61-2-9(c) of this code, 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;

(8) 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, 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;

(9) 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 shall 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;

(10) That the applicant is not prohibited under the provisions of §61-7-7 of this code or federal law, including 18 U.S.C. §922(g) or (n), from receiving, possessing, or transporting a firearm;

(11) That the applicant has qualified under the minimum requirements set forth in subsection (e) of this section for handling and firing the weapon: *Provided*, That this requirement shall be waived in the case of a renewal applicant who has previously qualified; and

(12) 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.

(c) For both initial and renewal applications, the sheriff shall conduct an investigation including a nationwide criminal background check consisting of inquiries of the National Instant Criminal Background Check System, the West Virginia criminal history record responses, and the National Interstate Identification Index, and shall review the information received in order to verify that the information required in subsection (b) of this section is true and correct. A license may not be issued unless the issuing sheriff has verified through the National Instant Criminal Background Check System that the information available to him or her does not indicate that receipt or possession of a firearm by the applicant would be in violation of the provisions of §61-7-7 of this code or federal law, including 18 U.S.C. §922(g) or (n).

(d)(1) Twenty-five dollars of the resident license application fee shall be deposited into the State Treasury and credited to the account of the State Police, and \$25 of the application fee and any fees for replacement of lost or stolen licenses received by the sheriff shall be deposited by the sheriff into a concealed weapons license administration fund. The fund

shall be administered by the sheriff and shall take the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited in this concealed weapon license administration fund are to be expended by the sheriff to pay the costs associated with issuing concealed weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff considers appropriate.

(2) Fifteen dollars of the nonresident license application fee shall be deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code; \$25 of the application fee shall be deposited into the State Treasury and credited to the account of the State Police for the purchase of vehicles, equipment for vehicles, and maintenance of vehicles; and \$60 of the application fee shall be deposited in the concealed weapons license administration fund to be administered as provided in this subsection.

(e) All persons applying for a license shall complete a training course in handling and firing a handgun, which includes the actual live firing of ammunition by the applicant. The successful completion of any of the following courses fulfills this training requirement: *Provided*, That the completed course includes the actual live firing of ammunition by the applicant: *Provided* however, That for purposes of this subsection, the term "ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm and includes ammunition designed for training such as marking rounds and simulated training loads:

(1) Any official National Rifle Association 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 using instructors certified by the institution;

(3) Any handgun training or safety course or class conducted by a handgun instructor certified as such by the state or by the National Rifle Association;

(4) 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.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization, or group that conducted or taught the course or class attesting to the successful completion of the course or class by the applicant or a copy of any document which shows successful completion of the course or class is evidence of qualification under this section and shall include the instructor's name, signature, and NRA or state instructor identification number, if applicable.

(f) All concealed weapons license applications must be notarized by a notary public duly licensed under §39-4-1 *et seq.* of this code. Falsification of any portion of the application constitutes false swearing and is punishable under §61-5-2 of this code.

(g) The sheriff shall issue a license unless he or she determines that the application is incomplete, that it contains statements that are materially false or incorrect, or that applicant otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue, or deny the license within 45 days after the application is filed if all required background checks authorized by this section are completed.

(h) A license in effect as of the effective date of the amendments to this section enacted during the 2019 regular session of the Legislature shall, subject to revocation for cause, is valid until the licensee's birthday during the fifth year from the date of issuance or five years from the date of issuance, whichever is later in time. Renewals of such licenses and licenses

newly issued after the effective date of the amendments to this section enacted during the 2019 regular session of the Legislature, subject to revocation for cause, are valid for a period of five years from the licensee's most recent birthday.

(i) Each license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section. All duplicate license cards issued on or after July 1, 2017, shall be uniform across all 55 counties in size, appearance, and information and shall feature a photograph of the licensee.

(j) The Superintendent of the West Virginia State Police, in cooperation with the West Virginia Sheriffs' Bureau of Professional Standards, shall prepare uniform applications for both resident and nonresident licenses and license cards showing that the license has been granted and shall do any other act required to be done to protect the state and see to the enforcement of this section.

(k) If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within 30 days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a license under the criteria set forth in this section. The applicant may be represented by counsel, but in no case is the court required to appoint counsel for an applicant. The final order of the court shall include the court's findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals. If the findings of fact and conclusions of law of the court fail to uphold the denial, the applicant may be entitled to reasonable costs and attorney's fees, payable by the sheriff's office which issued the denial.

(l) If a license is lost or destroyed, the person to whom the license was issued may obtain a duplicate or substitute license for a fee of \$5 by filing a notarized statement with the sheriff indicating that the license has been lost or destroyed.

(m) Whenever an applicant or licensee relocates from the address provided in his or her application to another address, he or she shall comply with the following notification requirements:

(1) Within 20 days of a resident licensee relocating from the address provided in his or her application to another county in the state, he or she shall provide written notification of the relocation to the sheriff of the county to which he or she moved and provide his or her new address. The sheriff shall then issue a new resident license bearing the licensee's new address and the original expiration date, for a fee not to exceed \$5. The license remains valid for the remainder of the original five-year term, unless the sheriff has determined that the person is no longer eligible for a concealed weapon license under the provisions of this article.

(2) Within 20 days of a resident licensee relocating from the address provided in his or her application to an address outside the state, he or she shall provide written notification to the sheriff of the issuing county of the relocation and provide his or her new address. The sheriff shall then issue a new nonresident license bearing the licensee's new address and the original expiration date, for a fee not to exceed \$5. The license remains valid for the remainder of the original five-year term unless the sheriff has determined that the person is no longer eligible for a concealed weapon license under the provisions of this article: *Provided*, That any renewal of the license in the new jurisdiction after expiration requires the payment of a nonresident license fee.

(3) Within 20 days of a nonresident licensee relocating from the address provided in his or her application to another address outside of the state, he or she shall provide written notification of the relocation to the sheriff of the issuing county and provide his or her new address. The sheriff shall then issue a new nonresident license bearing the licensee's new address and original expiration date, for a fee not to exceed \$5. This license remains valid for the remainder of the original five-year term, unless the sheriff has determined that the person is no longer eligible for a concealed weapon license under the provisions of this article.

(4) Within 20 days of a nonresident licensee relocating to West Virginia from the address provided in his or her application, he or she shall provide written notification of the relocation to the sheriff of the county to which he or she has moved and provide his or her new address. The sheriff shall then issue a new resident license bearing the licensee's new address and the original expiration date, for a fee not to exceed \$5. This license remains valid for the remainder of the original five-year term, unless the sheriff has determined that the person is no longer eligible for a concealed weapon license under the provisions of this article.

(n) The sheriff shall, immediately after the license is granted under this section furnish the Superintendent of the West Virginia State Police a certified copy of the approved application. The sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so requested a certified list of all licenses issued in the county. The Superintendent of the West Virginia State Police shall maintain a registry of all persons who have been issued concealed weapons licenses.

(o) The sheriff shall deny any application or revoke any existing license upon determination that any of the licensing application requirements established in this section have been violated by the licensee.

(p) A person who is engaged in the receipt, review, or in the issuance or revocation of a concealed weapon license does not incur any civil liability as the result of the lawful performance of his or her duties under this article.

(q) Notwithstanding subsection (a) of this section, with respect to application for a resident license by an honorably discharged veteran of the armed forces of the United States, reserve, or National Guard, or a former law-enforcement officer honorably retired from agencies governed by §7-14-1 *et seq.* of this code, §8-14-1 *et seq.* of this code, §15-2-1 *et seq.* of this code, and §20-7-1 *et seq.* of this code, an honorably retired officer or an honorably discharged veteran of the armed forces of the United States, reserve, or National Guard, is exempt from payment of fees and costs as otherwise required by this section. All other application and background check requirements set forth in this section are applicable to these applicants.

(r) Information collected under this section, including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for, or holder of, a concealed weapon license, is confidential: *Provided*, That this information may be disclosed to a law-enforcement agency or officer: (i) To determine the validity of a license; (ii) to assist in a criminal investigation or prosecution; or (iii) for other lawful law-enforcement purposes. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50 or more than \$200 for each offense.

(s) A person who pays fees for training or application pursuant to this article after the effective date of this section is entitled to a tax credit equal to the amount actually paid for training not to exceed \$50: *Provided*, That if such training was provided for free or for less than \$50, then such tax credit may be applied to the fees associated with the initial application.

(t) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a concealed weapon license issued in accordance with the

provisions of this section authorizes the holder of the license to carry a concealed pistol or revolver on the lands or waters of this state.

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

(a) Any person who is at least 18 years of age and less than 21 years of age who desires to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for a provisional license, and pay to the sheriff, at the time of application, a fee of \$15. Provisional licenses may only be issued for pistols or revolvers. Each applicant shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:

(1) The applicant's full name, date of birth, 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);

(2) That, on the date the application is made, the applicant is a bona fide 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;

(3) That the applicant is at least 18 years of age and less than 21 years of age;

(4) 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;

(5) 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;

(6) That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subdivision (7) of this section within five years immediately preceding the application;

(7) 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 §61-2-28 of this code or §61-2-9(b) or §61-2-9(c) of this code 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;

(8) 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;

(9) 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;

(10) That the applicant is not prohibited under section seven of this article or federal law, including 18 U. S. C. §922(g) or (n), from receiving, possessing, or transporting a firearm;

(11) That the applicant has qualified under the minimum requirements set forth in subsection (d) of this section for handling and firing the weapon;

(12) 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.

(b) For provisional license applications, the sheriff shall conduct an investigation including a nationwide criminal background check consisting of inquiries of the National Instant Criminal Background Check System, the West Virginia criminal history record responses and the National Interstate Identification Index, and shall review the information received in order to verify that the information required in subsection (a) of this section is true and correct. A provisional license may not be issued unless the issuing sheriff has verified through the National Instant Criminal Background Check System that the information available does not indicate that receipt of or possession of a firearm by the applicant would be in violation of the provisions of section seven of this article or federal law, including 18 U. S. C. §922(g) or (n).

(c) Fifteen dollars of the application fee and any fees for replacement of lost or stolen provisional licenses received by the sheriff shall be deposited by the sheriff into a concealed weapons license administration fund. The fund shall be administered by the sheriff and shall take the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited in said fund are to be expended by the sheriff to pay the costs associated with issuing concealed weapons provisional licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff considers appropriate.

(d) All persons applying for a provisional license must complete a training course in handling and firing a handgun, which includes the actual live firing of ammunition by the applicant. The successful completion of any of the following courses fulfills this training requirement: *Provided*, That the completed course included the actual live firing of ammunition by the applicant: *Provided*, however, That for purposes of this subsection, the term "ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm and includes ammunition designed for training such as marking rounds and simulated training loads:

(1) Any official National Rifle Association 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 training or safety course or class conducted by a handgun instructor certified as such by the state or by the National Rifle Association;

(4) Any proof of current or former service in the United States armed forces, armed forces reserves or National Guard.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization, or group that conducted or taught the course or class attesting to the successful completion of the course or class by the applicant, or a copy of any document which shows successful completion of the course or class, is evidence of qualification under this section. Certificates, affidavits, or other documents submitted to show completion of a course or class shall include instructor information and proof of instructor certification, including, if applicable, the instructor's NRA instructor certification number.

(e) All provisional license applications must be notarized by a notary public duly licensed under §29-4-1 *et seq.* of this code. Falsification of any portion of the application constitutes false swearing and is punishable under section two, article five of this chapter.

(f) The sheriff shall issue a provisional license unless the sheriff determines that the application is incomplete, that it contains statements that are materially false or incorrect or that applicant otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue, or deny the license within 45 days after the application is filed once all required background checks authorized by this section are completed.

(g) Before any approved license is issued or is effective, the applicant shall pay to the sheriff a fee in the amount of \$15 which the sheriff shall forward to the Superintendent of the West Virginia State Police within 30 days of receipt. The provisional license is valid until the licensee turns 21 years of age, unless sooner revoked.

(h) Each provisional license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all provisional license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section. Duplicate license cards issued shall be uniform across all 55 counties in size, appearance and information and must feature a photograph of the licensee. The provisional license shall be readily distinguishable from a license issued pursuant to section four of this article and shall state: "NOT NICS EXEMPT. This license confers the same rights and privileges to carry a concealed pistol or revolver on the lands or waters of this state as a license issued pursuant to §61-7-4 of this code, except that this license does not satisfy the requirements of 18 U. S. C. §922(t)(3). A NICS check must be performed prior to purchase of a firearm from a federally licensed firearm dealer."

(i) The Superintendent of the West Virginia State Police, in coordination with the West Virginia Sheriffs' Bureau of Professional Standards, shall prepare uniform applications for provisional licenses and license cards showing that the license has been granted and shall perform any other act required to protect the state and to enforce this section.

(j) If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a provisional license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within 30 days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a provisional license under the criteria set forth in this section. The applicant may be represented by counsel, but in no case is the court required to appoint counsel for an applicant. The final order of the court shall include the court's findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals. If the findings of fact and conclusions of law of the court fail to uphold the denial, the applicant may be entitled to reasonable costs and attorney's fees, payable by the sheriff's office which issued the denial.

(k) If a provisional license is lost or destroyed, the person to whom the license was issued may obtain a duplicate or substitute license for a fee of \$5 by filing a notarized statement with the sheriff indicating that the license has been lost or destroyed.

(l) Whenever any person after applying for and receiving a provisional concealed weapon license moves from the address named in the application to another county within the state, the license remains valid until the licensee turns 21 years of age unless the sheriff of the new county has determined that the person is no longer eligible for a provisional concealed weapon license under this article, and the sheriff shall issue a new provisional license bearing the person's new address and the original expiration date for a fee not to exceed \$5: *Provided*, That the licensee within 20 days thereafter notifies the sheriff in the new county of residence in writing of the old and new addresses.

(m) The sheriff shall, immediately after the provisional license is granted, furnish the Superintendent of the West Virginia State Police a certified copy of the approved application. The sheriff shall furnish to the Superintendent of the West Virginia State Police, at any time so requested, a certified list of all provisional licenses issued in the county. The Superintendent of the West Virginia State Police shall maintain a registry of all persons who have been issued provisional concealed weapon licenses.

(n) The sheriff shall deny any application or revoke any existing provisional license upon determination that any of the licensing application requirements established in this section have been violated by the licensee.

(o) A person who is engaged in the receipt, review or in the issuance or revocation of a concealed weapon provisional license does not incur any civil liability as the result of the lawful performance of his or her duties under this article.

(p) Information collected under this section, including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for or holder of a concealed weapon provisional license, is confidential: *Provided*, That this information may be disclosed to a law enforcement agency or officer: (i) To determine the validity of a provisional license; (ii) to assist in a criminal investigation or prosecution; or (iii) for other lawful law-enforcement purposes. A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.

(q) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a provisional concealed weapon license issued in accordance with the provisions of this section authorizes the holder of the license to carry a concealed pistol or revolver on the lands or waters of this state.

W. Va. Code §61-7-6. Exemptions from licensing fees.

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 §61-7-4 of this code:

- (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 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.

W. Va. Code §61-7-7. Persons prohibited from possessing firearms; classifications; right of nonprohibited persons 18 years of age or older 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 §61-7-2 of this code, 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 §27-1-1 *et seq.* 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 §61-2-28 of this code or the provisions of §61-2-9(b) or §61-2-9(c) of this code 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 90 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 §60A-2-204, §60A-2-206, and §60A-2-208 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 therefore who is:

- (1) At least 18 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 §61-7A-5 of this code.

(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.

W. Va. Code §61-7-8. Possession of deadly weapons by minors; prohibitions.

(a) Notwithstanding any other provision of this article to the contrary, a person under the age of 18 years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: *Provided*, That a minor may possess a firearm upon premises owned by the minor or his or her family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his or her family, with the permission of the owner or lessee of the property: *Provided*, however, That nothing in this section shall prohibit a minor from possessing a

firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess the weapon.

(b) A violation of this section by a person under the age of 18 years shall subject the child to the jurisdiction of the circuit court under the provisions of §49-4-701 through 49-4-725 of this code, and the minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a violation of §61-7-7(a) of this code, and may be adjudicated delinquent.

W. Va. Code §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 of the facility; or

(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) Any person currently employed as a law-enforcement officer, chief executive, or pre-certified law-enforcement officer as those terms are defined in §30-29-1 of this code, whether on or off duty;

(B) Any probation officer appointed pursuant to §62-12-5 of this code or state juvenile probation officer appointed pursuant to §49-4-719 of this code, in the performance of his or her duties;

(C) Any home confinement supervisor employed by a county commission pursuant to §61-11B-7a of this code in the performance of his or her duties;

(D) A state parole officer appointed pursuant to §15A-7-5 of this code, while in performance of his or her official duties;

(E) 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 his or her person official identification in accordance with that act;

(F) 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;

(G) 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;

(H) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

(I) Air rifles and rimfire rifles possessed for the purpose of shooting teams to the extent permitted pursuant to §18-2-46;

(J) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity;

(K) The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity; or

(L) Any person, 21 years old or older, who has a valid concealed handgun permit. That person 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;

(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; or

(M) A school safety officer as defined in §15-2D-3 authorized to carry a firearm and who meets the requirements set forth in §15-2D-3 and §18-5-52.

(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 19th 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 19th 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 it 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 20th 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.

W. Va. Code §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 who:

(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 (K) 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 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.

(3) No owner, lessee, or other person charged with the care, custody, and control of real property may remove a customer, employee, or invitee for storing a firearm inside a motor vehicle in a parking lot as defined in this section, nor may they terminate an employee or take other adverse employment action against an employee for such storage, except in cases of threats of unlawful action.

(4) 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.

(5) 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 subsection, 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.

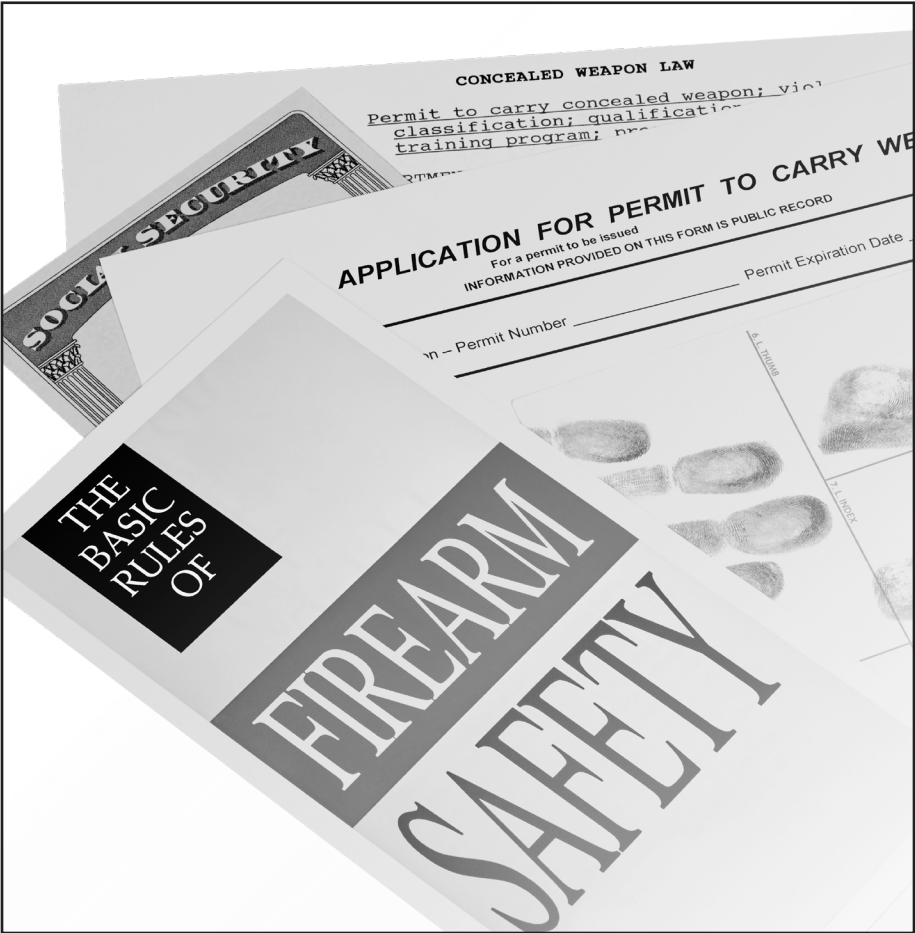


Photo of a sample Concealed Handgun License application, firearm safety brochure and printed concealed weapon law. For illustrative purposes only. The application you will complete will vary from this sample in format and content.

Resources

National Rifle Association Firearm Training

<https://firearmtraining.nra.org/>

National Rifle Association Safety and Education

<https://explore.nra.org/interests/safety-and-education/>

National Shooting Sports Foundation

Project ChildSafe®

<https://www.nssf.org/safety/project-childsafe/>

United States Concealed Carry Association

<https://www.usconcealedcarry.com/>

West Virginia Attorney General's Office

ago.wv.gov

West Virginia Code

<https://code.wvlegislature.gov/>



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