



West Virginia

Summary of State Firearms Law

Last updated April 18, 2012

Overview

In its publication [*Gun Laws Matter: A Comparison of State Firearms Laws and Statistics*](#), LCAV ranked each state based on a review of state laws in 25 different firearm-related policy areas. West Virginia ranked 26th out of 50 – having enacted few gun violence prevention laws.

West Virginia does **not**:

- Require a background check prior to [the transfer of a firearm between unlicensed individuals](#);
- Require firearms dealers to obtain a [state license](#);
- Regulate the transfer or possession of [assault weapons](#), [50 caliber rifles](#), or [large capacity ammunition magazines](#);
- Require gun owners to [obtain a license](#), [register their firearms](#), or [report lost or stolen firearms](#);
- Limit the [number of firearms](#) that may be purchased at one time;
- Impose a [waiting period](#) before the sale of a firearm;
- Regulate unsafe handguns (“[junk guns](#)” or “[Saturday night specials](#)”);
- Significantly [regulate ammunition](#);
- Allow [local governments to regulate](#) firearms; or
- Give local law enforcement discretion to deny a [concealed handgun permit](#).

West Virginia Statistics

Gun Deaths in West Virginia

In 2009, West Virginia ranked 14th among the states in number of gun deaths per capita. 251 people died from firearm-related injuries in West Virginia in that year.¹

Crime Guns in West Virginia

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). Compared with other states, in 2009, [West Virginia](#) supplied the 2nd highest number of crime guns to other states per capita. West Virginia exports far more crime guns than it imports.²

Number of Federally Licensed Firearms Dealers in West Virginia

There are 864 federally licensed firearms dealers and pawnbrokers in West Virginia.³

¹ National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Fatal Injury Reports, 1999-2009, for National, Regional, and States (RESTRICTED)*, at http://webappa.cdc.gov/sasweb/ncipc/dataRestriction_inj.html. (Jan. 2012).

² For a more comprehensive discussion regarding the patterns of gun trafficking across the states, see Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (Sept. 2010), at <http://www.tracetheguns.org/report.pdf>.

³ U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (Feb. 2012), at <http://www.atf.gov/about/foia/ffl-list.html>.

West Virginia “Right to Bear Arms”

The West Virginia Constitution provides for the keeping and bearing of arms, but permits firearm-related regulation for public health and safety purposes. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

Local Authority to Regulate Firearms in West Virginia

West Virginia has preempted most areas of local firearms regulation. See [LCAV's State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

State Firearms Policies

To view the sections of the West Virginia Statutes provided in the summary below, search for the citation using the [West Virginia Code](#).

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

Persons Prohibited from Firearm Possession

West Virginia Prohibited Purchasers Generally

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

West Virginia provides that, subject to certain limited exceptions, no person shall possess a firearm if he or she:

- Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- Is habitually addicted to alcohol;
- Is an unlawful user of or habitually addicted to any controlled substance;
- Has been adjudicated as a mental defective;⁴
- Has been involuntarily committed to a mental institution;⁵
- Is an illegal alien or otherwise unlawfully in the United States;
- Has been discharged from the armed forces under dishonorable conditions; or
- Falls within the categories of domestic abusers prohibited from possessing firearms under state law (see the section entitled [Domestic Violence and Firearms in West Virginia](#) for further information).⁶

Any person who knowingly sells, rents, gives, or lends or, where the person is other than a natural person, knowingly permits an employee thereof to knowingly sell, rent, give or lend any deadly weapon to a prohibited purchaser/possessor is criminally liable for a felony.⁷

⁴ A “mental defective,” as defined by state law, is someone who has been determined by a duly authorized court, tribunal, board or other entity to be mentally ill to the point where he or she had been found to be incompetent to stand trial due to mental illness or insanity, has been found not guilty in a criminal proceeding by reason of mental illness or insanity or has been determined to be unable to handle his or her own affairs due to mental illness or insanity. W. Va. Code § 61-7A-2(1).

⁵ See W. Va. Code § 61-7A-2(2), (3).

⁶ W. Va. Code § 61-7-7(a).

⁷ W. Va. Code § 61-7-10(d), (e).

West Virginia allows any of the prohibited purchasers listed above to petition the circuit court of the county in which he or she resides to regain the eligibility to possess a firearm.⁸ However, in 2008, West Virginia enacted a law specifically allowing persons prohibited from possessing a firearm for mental health reasons to regain their firearm eligibility.⁹ [A law that West Virginia enacted in 2012](#) provides additional requirements for persons prohibited from firearm possession due to mental health history when petitioning for relief from disability.

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

⁸ W. Va. Code § 61-7-7(c).

⁹ W. Va. Code § 61-7A-5.

West Virginia Minimum Age to Purchase / Possess

Any person under age 18, who is not married or otherwise emancipated, may not possess any deadly weapon.¹⁰ However, under certain circumstances, it is permissible for a person under age 18 to carry a deadly weapon, including a concealable firearm, when:

- The weapon is possessed on private property with the permission of the person's parent or guardian and of the owner of the property;
- The possession is pursuant to lawful hunting; or
- Traveling between sites where the person may lawfully possess such a weapon.¹¹

[Federal age restrictions](#) impose stricter limits.

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

¹⁰ W. Va. Code §§ 61-7-2(9); 61-7-8. As defined by state law for purposes of this section, a “deadly weapon” includes, but is not limited to, any pistol or revolver.

¹¹ *Id.*

Domestic Violence and Firearms in West Virginia

West Virginia does not establish a procedure for the removal of firearms from domestic abusers at the time they become prohibited from possessing firearms.

Firearm Prohibitions for Domestic Violence Misdemeanants

No person may possess a firearm who has been convicted of a misdemeanor offense of domestic assault or domestic battery under West Virginia law.¹² In addition, no person may possess a firearm who has been convicted of assault and battery if the victim was:

- A current or former spouse;
- A current or former sexual or intimate partner;
- A person with whom the defendant has a child in common;
- A 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.¹³

Firearm Prohibitions for Persons Subject to Domestic Violence Restraining/Protective Orders

No person may possess a firearm who is subject to a domestic violence protective order that:

- Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;
- Restrains such person from harassing, stalking or threatening an intimate partner or 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
- Either includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child, or 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.¹⁴

¹² W. Va. Code § 61-7-7(a). *See* W. Va. Code § 61-2-28.

¹³ W. Va. Code §§ 61-2-9(b), (c), 61-7-7(a)(8).

¹⁴ W. Va. Code § 61-7-7(a)(7).

Furthermore, under a [law West Virginia enacted in 2012](#), domestic violence protective order must prohibit the respondent from possessing firearms or ammunition.¹⁵ The protective order must inform the respondent that he or she is prohibited from possessing any firearm or ammunition and that possession of a firearm or ammunition while subject to the court's protective order is a criminal offense under state and federal law, notwithstanding the fact that the respondent might otherwise have a right to possess a firearm.¹⁶

Upon the filing of a petition for a protective order, the magistrate court may enter an emergency protective order *ex parte* (without notice and a hearing) upon good cause shown.¹⁷ If the court enters an emergency protective order, the order must prohibit the respondent from possessing firearms.¹⁸

“Domestic violence” means certain acts of violence between “family or household members.”¹⁹ “Family or household members” is defined broadly.²⁰

Under another [law West Virginia enacted in 2012](#), a court that is issuing a “personal safety order” (an order issued against any person who has committed a sexual offense, attempted sexual offense, stalking, or harassment against a victim) may, in its discretion, prohibit the respondent from possessing a firearm if:

- A weapon was used or threatened to be used in the commission of the offense;
- The respondent has violated any prior personal safety order; or
- The respondent has been convicted of an offense involving the use of a firearm.²¹

The firearm prohibition is also available in an *ex parte* personal safety order under the same conditions, if there is reasonable cause to believe the respondent has committed the offense.²²

For general information on the background check process and categories of prohibited purchasers/possessors, see the [West Virginia Background Checks](#) and [West Virginia Prohibited Purchasers Generally](#) sections.

Removal or Surrender of Firearms from the Scene of a Domestic Violence Incident

As necessary for the protection of the officer or other persons, the arresting officer must seize all weapons that are alleged to have been involved or threatened to be used in the commission of domestic violence, and may seize any weapon that is in plain view of the officer or that was discovered pursuant to a consensual search, whenever any person:

¹⁵ W. Va. Code § 48-27-502(b).

¹⁶ W. Va. Code § 48-27-502(c).

¹⁷ W. Va. Code § 48-27-403(a).

¹⁸ *Id.*

¹⁹ W. Va. Code § 48-27-202.

²⁰ W. Va. Code § 48-27-204.

²¹ W. Va. Code § 53-8-7(d)(1)(F)

²² W. Va. Code § 53-8-5.(a)(1)(F).

- Is arrested for committing domestic violence pursuant to West Virginia law;
- Has violated the terms of a protective order issued during divorce, annulment or separation proceedings;²³ or
- Has violated the terms of a protective order issued to protect an individual from abuse.²⁴

See [*Regulating Guns in America: Domestic Violence and Firearms*](#) for a comprehensive discussion of this issue.

²³ See W. Va. Code § 48-5-509.

²⁴ W. Va. Code § 48-27-1002(e). See also W. Va. Code § 48-5-608.

Disarming Prohibited Persons in West Virginia

(This section was last updated April 18, 2011.)

West Virginia law authorizes an arresting officer to seize all weapons that are possessed in violation of a valid protective order, subject to the requirements of the state and federal Constitutions.²⁵ See the [West Virginia Domestic Violence & Firearms](#) section for further information.

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 must first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property.²⁶

West Virginia does not have any other laws mandating the surrender or removal of firearms.

²⁵ W. Va. Code § 48-27-1002(e)(3).

²⁶ W. Va. Code § 61-7-7(a)(4).

Sales & Transfers

West Virginia Background Checks

[Federal law requires federally licensed firearms dealers \(but not private sellers\) to initiate a background check on the purchaser prior to sale of a firearm.](#) Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the federal [National Instant Criminal Background Check System \(“NICS”\) database](#). (Note that state files are not always included in the federal database.)

West Virginia is not a point of contact state for NICS. West Virginia has no law requiring firearms dealers to initiate a background check prior to transferring a firearm. In West Virginia, all firearms transfers by licensed dealers are processed directly through the FBI, which enforces the federal prohibitions referenced above.²⁷

Firearms transfers by private sellers (non-firearms dealers) are not subject to background checks in West Virginia, although federal and state purchaser prohibitions still apply. See the [West Virginia Private Sales](#) section.

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

²⁷ Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map>.

West Virginia Mental Health Reporting

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”²⁸ No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

Although West Virginia does not require the reporting of mental health information to NICS, such reporting is specifically authorized. The state maintains a registry of information pertaining to all persons who have been adjudicated to be mentally defective or who have been committed for treatment of a mental illness pursuant to West Virginia law.²⁹ The Secretary of Department of Health and Human Resources and the circuit clerk of each county are required to provide updated information to the registry on an ongoing basis.³⁰

Information in the registry “may be transmitted” to NICS, as well as to county sheriffs.³¹ The Superintendent, the Secretary, the circuit clerks and the Administrator may provide notice to the registry and NICS that a person:

- Has been involuntarily committed pursuant to West Virginia law;
- Has been adjudicated mentally incompetent in a proceeding under Article 6A of Chapter 61 of the West Virginia Code; or
- Has regained the ability to possess a firearm by order of a circuit court in a proceeding under section 61-7A-5 of the West Virginia Code.³²

The registry must provide only such information about a person as is necessary to identify registrants.³³

Documents filed with a circuit court, mental hygiene commissioner or designated magistrate for the involuntary hospitalization of an individual are generally not open to inspection and may not be published. Under [a 2012 law](#), disclosure of these records may, however, be made by the clerk, circuit court, mental hygiene commissioner or designated magistrate to provide notice to NICS and the central state mental health registry, in accordance with the provisions described above.³⁴

The circuit clerk must provide the Superintendent or his or her designee with a certified copy of any order entered pursuant to state law³⁵ restoring a person’s eligibility to possess a firearm, and the petitioner’s name must be promptly removed from the central state mental health registry and

²⁸ [18 U.S.C. § 922\(d\)\(4\)](#).

²⁹ W. Va. Code § 61-7A-3.

³⁰ W. Va. Code § 61-7A-3(c).

³¹ W. Va. Code § 61-7A-3(b).

³² W. Va. Code § 61-7A-4.

³³ W. Va. Code § 61-7A-3(e).

³⁴ W. Va. Code § 27-5-4(c)(3).

³⁵ See W. Va. Code § 61-7A-5.

the Superintendent must inform the FBI or other federal entity operating NICS of the court action.³⁶

Communications and information obtained in the course of treatment or evaluation of any client or patient are confidential information that may not be disclosed.³⁷ An exception allows notice to NICS in accordance with state law.³⁸

For general information on the background check process and categories of prohibited purchasers/possessors, see the [West Virginia Background Checks](#) and [West Virginia Prohibited Purchasers Generally](#) sections.

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

³⁶ W. Va. Code § 61-7A-5(b).

³⁷ W. Va. Code § 27-3-1.

³⁸ W. Va. Code § 27-3-1(b)(4). See W. Va. Code § 61-7A-1 *et seq.*

Multiple Purchases / Sales of Firearms in West Virginia

West Virginia has no law limiting the number of firearms that may be sold or purchased at one time.

See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

Retention of Sales / Background Check Records in West Virginia

West Virginia does not have any laws requiring the retention of sales records or background check records.

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

West Virginia Waiting Periods

West Virginia has no law imposing a waiting period prior to the purchase of a firearm.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

Gun Dealers & Other Sellers

West Virginia Dealer Regulations

West Virginia does not require firearms dealers to obtain a state license. However, firearms dealers are subject to state laws governing gun sales generally. See the [West Virginia Private Sales](#) section for further information.

Pursuant to the [Brady Act](#), federally licensed firearms dealers must conduct background checks on prospective purchasers each time the dealer transfers a firearm. See the [West Virginia Background Checks](#) section.

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

Private Sales in West Virginia

Private firearms transfers (*i.e.*, transfers by individuals who are not licensed dealers) are not subject to a background check requirement in West Virginia. No person may knowingly sell, rent, give or lend a firearm to a [person prohibited by federal or state law from possessing firearms](#).³⁹

West Virginia prohibits any person from publicly displaying or offering for sale or rent any firearm or ammunition where a passerby on a street, road or alley can see it.⁴⁰

Moreover, any person who gives or sells to any patient legally committed to a state hospital, whether on the hospital premises or elsewhere, any firearm, is criminally liable for a misdemeanor.⁴¹

Finally, any person who gives or sells, or aids or abets any other person to give or sell, to any young person in a state youth correctional facility, whether on the premises of such institution or otherwise, any firearm, is criminally liable for a misdemeanor.⁴²

See the section entitled [Firearms Trafficking in West Virginia](#) for laws aimed at gun trafficking.

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

³⁹ W. Va. Code § 61-7-10(d).

⁴⁰ W. Va. Code § 61-7-10(a).

⁴¹ W. Va. Code § 27-12-3.

⁴² W. Va. Code § 28-1-8.

Gun Shows in West Virginia

West Virginia does not have a law regulating gun shows.

See the [West Virginia Private Sales](#) section for state laws that apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

West Virginia Immunity Statutes

(This section was last updated April 18, 2011.)

West Virginia law provides that:

(a) The lawful design, marketing, manufacture or sale of firearms or ammunition to the public is not an unreasonably dangerous activity and does not constitute a nuisance per se;

(b) To the extent the Constitution of this state and the United States protect citizens' rights to keep and bear arms, the Legislature finds and declares that it is within the strict prerogative of its own authority, and not the authority of any county or municipality, to determine whether any manufacturer, dealer or seller of firearms has engaged in any act or omission that would create a cognizable action for damages, injunction or otherwise.⁴³

State law also provides that:

The authority to bring suit and the right to recover against any firearms or ammunition manufacturer, seller, trade association or dealer of firearms by or on behalf of any county or municipality in this state for damages, abatement or injunctive relief resulting from or relating to the design, manufacture, marketing, or sale of firearms or ammunition to the public is reserved exclusively to the state: *Provided*, That nothing contained in this article may prohibit a county or municipality from bringing an action for breach of contract or warranty as to firearms or ammunition purchased by the county or municipality.⁴⁴

A person may not maintain a nuisance action for noise against a shooting range located in the vicinity of that person's property if the range was established when the person acquired the property.⁴⁵ If there is a substantial change in use of the range after the person acquires the property, the person may maintain a nuisance action if the action is brought within two years from the beginning of the substantial change.⁴⁶ A person who owns property in the vicinity of a shooting range that was established after the person acquired the property may maintain a nuisance action for noise against the range only if the action is brought within four years after establishment of the range or two years after a substantial change in use of the range.⁴⁷ If there has been no shooting activity at a range for two years, resumption of shooting is considered establishment of a new range.⁴⁸

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

⁴³ W. Va. Code § 55-18-1.

⁴⁴ W. Va. Code § 55-18-2.

⁴⁵ W. Va. Code § 61-6-23(b).

⁴⁶ *Id.*

⁴⁷ W. Va. Code § 61-6-23(c).

⁴⁸ W. Va. Code § 61-6-23(d).

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

Gun Owner Responsibilities

West Virginia Licensing of Gun Owners or Purchasers

West Virginia has no law requiring gun owners or purchasers to obtain a license.

See [Regulating Guns in America: Licensing of Gun Owners or Purchasers](#) for a comprehensive discussion of this issue.

West Virginia Registration of Firearms

West Virginia has no law requiring gun owners or possessors to register their firearms.

See [*Regulating Guns in America: Registration of Firearms*](#) for a comprehensive discussion of this issue.

Reporting Lost or Stolen Firearms in West Virginia

West Virginia does not require firearms owners to report the loss or theft of a firearm.

See [*Regulating Guns in America: Reporting Lost or Stolen Firearms*](#) for a comprehensive discussion of this issue.

Firearms in Public Places

West Virginia Concealed Weapons Permitting

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

Any person who carries a concealed deadly weapon without a state license or other authorization provided by statute is criminally liable for a misdemeanor.⁴⁹ West Virginia generally allows persons to possess firearms in their home, on their property or at their place of business without possessing a license to carry a concealed deadly weapon.⁵⁰

West Virginia is a “shall issue” state, meaning that local law enforcement must issue a concealed deadly weapon license if the applicant meets certain qualifications. Any person wishing to obtain a concealed deadly weapon license must apply to the sheriff of his or her county pursuant to West Virginia law and shall be issued a license if the applicant:

- Is a bona fide resident of the county in which the application is made and has valid state-issued photo identification showing such residence;
- Is 21 years of age or older (or is 18 years of age or older if he or she is required to carry a concealed weapon as a condition of employment);
- Is not addicted to alcohol or a controlled substance or drug, and is not “an unlawful user thereof,” (under [a 2012 law](#), a person is only disqualified for this reason if it is evidenced by either of the following within the three years immediately prior to the application: 1) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug treatment; or 2) Two or more convictions for driving while under the influence or driving while impaired);
- Has not been convicted of a felony or a misdemeanor act of violence involving the misuse of a deadly weapon (under [a 2012 law](#), a person is only disqualified for this reason if the conviction occurred within the five years immediately preceding the application);
- Has not been convicted of a “misdemeanor crime of domestic violence,” as defined under federal law (this provision was [added in 2012](#));
- Has not been convicted of a misdemeanor offense of assault or battery under state law (or has not been convicted of a misdemeanor offense with similar essential elements of these crimes in another jurisdiction outside West Virginia) in which the victim was a: 1) current or former spouse; 2) current or former sexual or intimate partner; 3) person with

⁴⁹ W. Va. Code § 61-7-3.

⁵⁰ W. Va. Code § 61-7-6(1).

whom the defendant cohabits or has cohabited; 4) a parent or guardian; 5) defendant's child or ward; or 6) member of the defendant's household at the time of the offense;⁵¹

- 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;
- Has not been adjudicated mentally incompetent, unless the person presents a court order reflecting that the person is no longer under the disability; and
- Has completed a training course in the handling and firing of a handgun that meets the requirements of state law.⁵²

[In 2012, West Virginia removed a requirement](#) that the applicant be “physically and mentally competent to carry such weapons.” Additional application and background check requirements are provided by statute.⁵³ License revocation information is also provided by statute.⁵⁴

Firearm Safety Training

All persons applying for a license to carry a concealed deadly weapon in West Virginia must complete a training course in the handling and firing of a handgun. Any course meeting the following criteria are deemed acceptable:

- Official National Rifle Association handgun safety or training courses;
- Handgun safety or training courses or classes 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 schools utilizing instructors duly certified by the institution;
- Handgun training or safety courses or classes conducted by a handgun instructor certified as such by the state or by the National Rifle Association; or
- Handgun training or safety courses or classes conducted by any branch of the United States Military, Reserve or National Guard.⁵⁵

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 said course or class attesting to the successful completion of the course or class by the applicant or a copy of any

⁵¹ See W. Va. Code §§ 61-2-28, 61-2-9(b), (c).

⁵² W. Va. Code § 61-7-4.

⁵³ See W. Va. Code § 61-7-4.

⁵⁴ See W. Va. Code § 61-7-5.

⁵⁵ W. Va. Code § 61-7-4 (d).

document which shows successful completion of the course or class shall constitute evidence of qualification under this section.⁵⁶

Duration & Renewal

A West Virginia concealed deadly weapons license is valid for five years.⁵⁷ Renewal applicants are not required to complete a training course in the handling and firing of a handgun if the applicant previously completed such a course.⁵⁸

Disclosure or Use of Information

The issuing sheriff is required to furnish the Superintendent of the West Virginia State Police with a certified copy of any approved license applications and, when requested, a certified list of all licenses issued in the county.⁵⁹ The Superintendent shall maintain a registry of all persons who have been issued concealed weapons licenses.⁶⁰

Reciprocity

West Virginia exempts from its prohibition against carrying concealed deadly weapons without a license residents of other states that have been issued licenses to carry concealed weapons where that state has entered into a reciprocity agreement with West Virginia, subject to the limitations of state law.⁶¹ West Virginia also requires the holder of an out-of-state permit to:

- Be 21 years of age or older;
- Have the permit or license in his or her immediate possession; and
- Not be a resident of West Virginia.⁶²

The West Virginia attorney general may execute reciprocity agreements with another state if:

- The standards for issuing a concealed handgun license or permit in the other state are equal to or greater than the standards in West Virginia;
- West Virginia's law enforcement officers have continuous access to data bases on the criminal information network, 24 hours per day, seven days per week, to verify the continued validity of the out-of-state license or permit;
- The other state grants the right to carry a concealed handgun to residents of West Virginia who have valid West Virginia concealed deadly weapons licenses; and

⁵⁶ *Id.*

⁵⁷ W. Va. Code § 61-7-4(g).

⁵⁸ W. Va. Code § 61-7-4(a)(9).

⁵⁹ W. Va. Code § 61-7-4(m).

⁶⁰ *Id.*

⁶¹ W. Va. Code § 61-7-6(7). *See also* W. Va. Code § 61-7-6a.

⁶² W. Va. Code § 61-7-6a.

- The state agrees to apprise West Virginia of changes in its permitting standards and requirements.⁶³

Every 12 months, the attorney general must inquire of the concealed handgun permitting authorities in each other state whether a West Virginia concealed weapons licensee may carry a concealed handgun in their state.⁶⁴

For a list of states with which West Virginia has signed formal reciprocity agreements, see the [West Virginia Permit Reciprocity](#) page, maintained by the West Virginia Attorney General.

⁶³ W. Va. Code § 61-7-6a(d).

⁶⁴ W. Va. Code § 61-7-6a(f).

Open Carrying in West Virginia

West Virginia permits the [open carrying](#) of handguns or long guns on the person with no permit or license required.

Location Restrictions

Guns in Vehicles in West Virginia

West Virginia generally permits the open carrying of an unloaded long gun or handgun in a motor vehicle, with no license or permit required, although at certain times of day the firearm must be encased.⁶⁵ West Virginia prohibits carrying a loaded firearm in a vehicle, except as authorized by law.⁶⁶

Any person who carries a concealed deadly weapon “on or about the person” without a state [license](#) or other authorization provided by statute is criminally liable for a misdemeanor.⁶⁷ Under [a 2012 law](#), a licensee is considered to be carrying “on or about his or her person” while in or on a motor vehicle if the firearm is located in a storage area in or on the motor vehicle.⁶⁸

⁶⁵ W. Va. Code § 20-2-5(9).

⁶⁶ *Id.*

⁶⁷ W. Va. Code §§ 61-7-2(10), 61-7-3.

⁶⁸ W. Va. Code § 61-7-2(10).

Guns in Schools in West Virginia

West Virginia law prohibits any person from possessing any firearm on any school bus or in or on any public or private primary or secondary education building, structure, facility or grounds thereof, including any vocational education building, structure, facility or grounds thereof where secondary vocational education programs are conducted, or at any school-sponsored function.⁶⁹

A court may also order the Division of Motor Vehicles to suspend the driver's license or instruction permit issued to any violator between the ages of 14 and 18, for such period of time as the court deems appropriate. A license or permit suspension, however, may not extend beyond the violator's 19th birthday.⁷⁰

Exceptions to the prohibition on possessing firearms on school premises include:

- Possession of an unloaded firearm in a motor vehicle;
- Leaving an unloaded firearm in a locked motor vehicle; and
- Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms.⁷¹

A principal shall suspend a pupil from school or from transportation to or from the school on any school bus if it is determined that a pupil brought a firearm onto a school bus or school premises.⁷² The principal then must recommend to the county board that the student be expelled.⁷³

See [LCAV's policy page on Guns in Schools](#) for further information.

⁶⁹ W. Va. Code § 61-7-11a(b)(1).

⁷⁰ W. Va. Code § 61-7-11a(d).

⁷¹ W. Va. Code § 61-7-11a(b)(2).

⁷² W. Va. Code § 18A-5-1a.

⁷³ *Id.*

Other Location Restrictions in West Virginia

West Virginia prohibits any person from possessing a firearm or any other deadly weapon on any site that houses a court of law or in the offices of a family law master.⁷⁴ The state also prohibits bringing any weapon upon the state capitol complex.⁷⁵

Any owner, lessee or other person charged with the care, custody and control of real property may prohibit the carrying, openly or concealed, of any firearm or deadly weapon on property under his or her domain.⁷⁶ Any firearms possessor who refuses to temporarily relinquish possession of his or her firearm on such premises or who refuses to leave such premises, after being requested to do so, is criminally liable for a misdemeanor.⁷⁷

West Virginia has no statutes prohibiting firearms in the following places, although administrative regulations may apply:

- Hospitals;
- Sports arenas;
- Gambling facilities;
- Polling places; or
- Establishments that serve alcohol.

⁷⁴ W. Va. Code § 61-7-11a(g)(1), (h)(1).

⁷⁵ W. Va. Code § 61-6-19.

⁷⁶ W. Va. Code § 61-7-14.

⁷⁷ *Id.*

Consumer & Child Safety

West Virginia Design Safety Standards for Handguns

West Virginia does not specifically regulate junk guns or unsafe firearms.

See [Regulating Guns in America: Design Safety Standards for Handguns](#) for a comprehensive discussion of this issue.

Locking Devices in West Virginia

West Virginia does not require a locking device to accompany the sale of a firearm (although [federal law](#) applies), and no state statutes require firearm owners to lock their weapons.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

Personalized / Owner-Authorized Firearms in West Virginia

West Virginia does not require firearms to be personalized.

See [*Regulating Guns in America: Personalized Firearms*](#) for a comprehensive discussion of this issue.

Child Access Prevention in West Virginia

West Virginia has no statute that directly penalizes someone for allowing a child to access a firearm. However, West Virginia obligates any parent, guardian or custodian of a child less than 18 years of age, who knows that the child is in possession of a firearm or any other deadly weapon in or on any property of a public or private primary or secondary education institution in violation of state law, or who has reasonable cause to believe that such a violation is imminent, to immediately report knowledge or belief of the possession violation to the appropriate school or law-enforcement officials.⁷⁸

For age requirements for the purchase or possession of firearms in West Virginia, see the [West Virginia Minimum Age to Purchase / Possess](#) section.

See [Regulating Guns in America: Child Access Prevention](#) for a comprehensive discussion of this issue.

⁷⁸ W. Va. Code § 61-7-11a(f)(1); *see also* W. Va. Code § 61-7-11a(b)(1).

Classes of Weapons / Ammunition

Assault Weapons in West Virginia

West Virginia has no law regulating assault weapons.

See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

Large Capacity Ammunition Magazines in West Virginia

West Virginia has no law regulating large capacity ammunition magazines.

See [*Regulating Guns in America: Large Capacity Ammunition Magazines*](#) for a comprehensive discussion of this issue.

Fifty Caliber Rifles in West Virginia

West Virginia has no law regulating fifty caliber rifles.

See [*Regulating Guns in America: Fifty Caliber Rifles*](#) for a comprehensive discussion of this issue.

Machine Guns/Automatic Firearms in West Virginia

(This section was last updated April 18, 2011.)

West Virginia prohibits any person from carrying, transporting, or possessing any machine gun, submachine gun, or fully automatic weapon unless they have complied fully with all applicable federal laws.⁷⁹ However, federal law generally allows the possession of machine guns manufactured prior to May 19, 1986 so long as they are registered.

See [LCAV's policy page on Machine Guns](#) for further information.

⁷⁹ W. Va. Code § 61-7-9.

Non-Powder Guns in West Virginia

(This section was last updated April 18, 2011.)

West Virginia has no law regulating non-powder guns.

See [Regulating Guns in America: Non-Powder Guns](#) for a comprehensive discussion of this issue.

West Virginia Ammunition Regulation

West Virginia prohibits a person or company from knowingly selling, renting, giving or lending ammunition to a person who is prohibited from possessing it under state or federal law.⁸⁰ West Virginia law, unlike [federal law](#), does not prohibit anyone from possessing ammunition.

West Virginia prohibits any person from publicly displaying or offering for sale or rent ammunition where a passerby on a street, road or alley can see it.⁸¹

See the section entitled [Firearms Trafficking in West Virginia](#) regarding a law aimed at the trafficking of ammunition.

West Virginia does **not**:

- Require a license for the sale of ammunition;
- Require sellers of ammunition to maintain a record of the purchasers;
- Require a license to purchase or possess ammunition; or
- Prohibit the possession, transfer or use of armor-piercing or other unreasonably dangerous ammunition, although the [federal prohibition on certain kinds of armor-piercing ammunition](#) applies.

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

⁸⁰ W. Va. Code §61-7-10(d).

⁸¹ W. Va. Code § 61-7-10(a).

Crime Gun Investigation

Microstamping/Ballistic Identification in West Virginia

West Virginia has no laws regarding firearm microstamping or ballistic identification.

See [Regulating Guns in America: Ballistic Identification](#) and LCAV's policy page on [Firearm Microstamping](#) for comprehensive discussions of these issues.

Firearms Trafficking in West Virginia

(This section was last updated April 18, 2011.)

West Virginia prohibits any person from knowingly soliciting, persuading, encouraging or enticing a firearms dealer or private firearms or ammunition seller to transfer a firearm or ammunition unlawfully.⁸²

West Virginia also prohibits a person or company from knowingly selling, renting, giving or lending a firearm or ammunition to a person who is prohibited from possessing one under state or federal law.⁸³

See [LCAV's policy page on Firearms Trafficking](#) for further information on this topic.

⁸² W. Va. Code §61-7-10(f).

⁸³ W. Va. Code §61-7-10(d).

West Virginia State Links

[Bureau of Alcohol, Tobacco, Firearms and Explosives, Louisville Field Division \(KY, WV\)](#)

[State of West Virginia, Office of the Attorney General](#)

[West Virginia Coalition Against Domestic Violence](#)

[West Virginia Department of Health and Human Resources](#)

[West Virginia Department of Health and Human Resources, Bureau for Public Health, Comparison of Firearm-Related Mortality Rates](#)