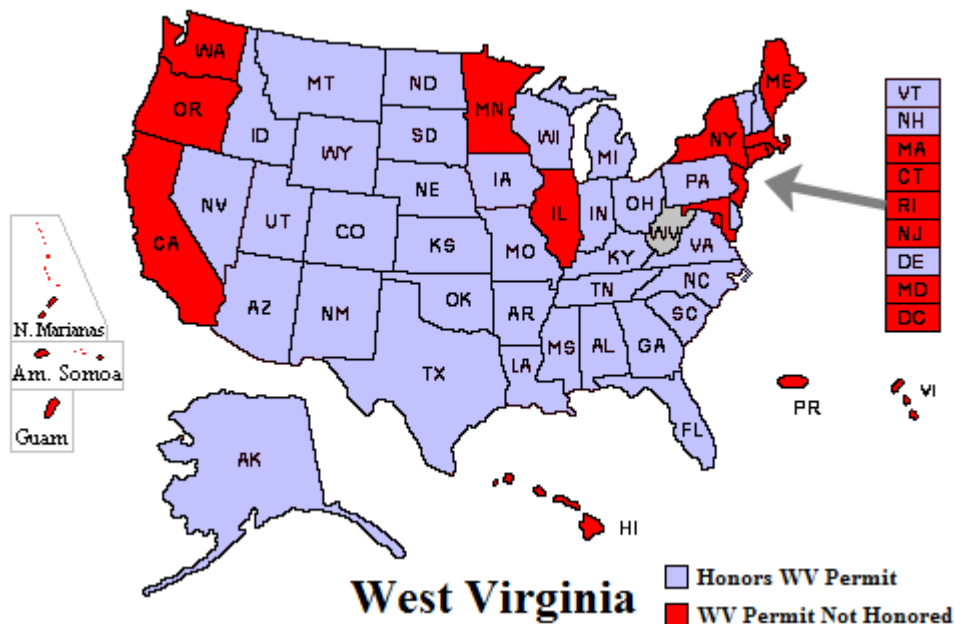


# West Virginia

**Shall Issue**

**Must Inform Officer by Law: NO**  
(See Must Inform Section Below)



## Links

- [State CCW Site](#)
- [State CCW Pamphlet](#)
- [Attorney General FAQs](#)
- [CCW Application](#)
- [Provisional Permit App](#)
- [St. Police FAQs](#)
- [State Statutes](#)
- [State Admin Rules](#)
- [State Reciprocity Info](#)
- [State Attorney General](#)
- [2<sup>nd</sup> CCW Info Site](#)
- [WV Firearm Laws](#)
- [Reciprocity WVSP](#)
- Last Updated: 9/30/17**

**Note:** [Alaska](#), [Arizona](#), [Kansas](#), [Maine](#), [Mississippi](#), [Missouri](#), [New Hampshire](#), [Vermont](#) and [West Virginia](#) have “Permitless Carry.” Anyone who can legally possess a firearm may carry it concealed in those states without a Permit/License. Check each states page for more information and any restrictions that may apply. To see the WV AG’s listing of states that honor the West Virginia Provisional Permit (18-20 Y/O) click on [State Reciprocity Info](#) in Links Section above.

## Permits/Licenses This State Honors Listed Below

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

**West Virginia will honor Resident and Non Resident Permit/Licenses from the states they honor.**  
(Must be 21 years of age or older to carry concealed with a permit WV honors or under Permitless Carry.)

**Note:** West Virginia residents can carry a concealed defensive firearm in the state of Oklahoma without any type of permit/license. You must carry your state issued ID when carrying your firearm in Oklahoma. See the Oklahoma page at [www.handgunlaw.us](http://www.handgunlaw.us) for more information on Oklahoma’s law allowing those from permitless carry states to carry there.

**Note:** West Virginia is a Permitless Carry state and any resident or non-resident who is 21 or older who can legally possess a firearm can carry it concealed in West Virginia without any type of permit/license. By statute West Virginia still doesn’t honor all other states permit/licenses. This statute should be updated in the [www.handgunlaw.us](http://www.handgunlaw.us)

future as it doesn't affect anyone carrying concealed in West Virginia 21 or older. This is the reason why the listing of states West Virginia honors doesn't state it honors all other states.

### **Reciprocity/How This State Honors Other States Permit/Licenses**

#### **§61-7-6a. Reciprocity and Recognition; Out-of-State Concealed Handgun Permits.**

(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 21 years 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.

### **Permitless Carry**

#### **§61-7-7. ... Right of Nonprohibited Persons Over Twenty-One Years of Age to Carry Concealed Deadly Weapons ...**

(a) Except as provided in this section, no person shall possess a firearm, as such is defined in section two of this article, who:

- (1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (2) Is habitually addicted to alcohol;
- (3) Is an unlawful user of or habitually addicted to any controlled substance;
- (4) Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of chapter twenty-seven of this code or in similar law of another jurisdiction: *Provided*, That once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession: *Provided, however*, That the mental hygiene commissioner or circuit judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;
- (5) Is an alien illegally or unlawfully in the United States;
- (6) Has been discharged from the armed forces under dishonorable conditions;
- (7) Is subject to a domestic violence protective order

**(c) Any person may carry a concealed deadly weapon without a license therefor who is:**

- (1) At least twenty-one years of age;
- (2) A United States citizen or legal resident thereof;
- (3) Not prohibited from possessing a firearm under the provisions of this section; and
- (4) Not prohibited from possessing a firearm under the provisions of 18 U. S. C. §922(g) or (n).

**§61-7-3. Carrying a deadly weapon without license or other authorization by persons under twenty-one years of age or persons that are prohibited from possessing firearms under section seven of this article; penalties.**

(a) Any person under twenty-one years of age and not otherwise prohibited from possessing firearms under section seven of this article who carries a concealed deadly weapon, without a state license or other lawful authorization established under the provisions of this code, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 and may be imprisoned in jail for not more than twelve months for the first offense; but upon conviction of a second or subsequent offense, he or she is guilty of a felony and, upon conviction thereof, shall be imprisoned in t a state correctional facility not less than one nor more than five years and fined not less than \$1,000 nor more than \$5,000.

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

(a) The provisions in section three of this article do not apply to any person at least eighteen years of age and fewer than twenty-one years of age who is:

- (7) **A member of the United States Armed Forces, Reserve or National Guard;**

**Note:** You can't carry inside your vehicle on Primary/Secondary School Property if carrying under Permitless Carry. Those 21 or older if they can legally possess a firearm can carry it concealed in all places a person with a permit West Virginia issues can carry under permitless carry. Though West Virginia will allow residents of West Virginia 18-20 years of age to obtain provisional permits to carry in West Virginia, West Virginia still requires non-residents with a permit/licesnes West Virginia honors or those carrying under permitless carry to be 21 years of age or older. Active members of the Military, Reserves or National Guard 18 and older can carry concealed with only their Military ID.

## How to Apply for a Permit/License

### Take a Class as described Below:

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

(12) (d) All persons applying for a license must complete a training course in handling and firing a handgun. The successful completion of any of the following courses fulfills this training requirement:

- (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 duly 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.

**Note:** (You must fire a handgun as part of the class). Take the course certificate plus your West Virginia Drivers License/ID to the Sheriff's Office in the county you reside. Ask for an [Application](#) and fill out application. They will contact you when your Permit/License is available for pickup. The Sheriff charges \$75.00 and the State Police charge \$25.00 for the background check. Most Sheriffs charge \$5.00 extra for the Drivers License Type CHL. That makes the total \$105.00. The WV State Police are given the information on who has been issued Permit/Licenses as they have a toll free 800 number that can be accessed to verify that any permit/license is valid.

### Provisional Permits for WV Residents 18 – 20 Years Old.

#### §61-7-4a. Provisional license to carry deadly weapons; how obtained. (18-20 Years Old)

(a) Any person who is between eighteen and twenty-one years of age and 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 \$25, (+\$15 when picking up the permit) for a total of \$40.) of which \$5 of that amount shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code. Concealed weapons permits 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,

**Note:** The Applicant must meet the same requirements as those applying for a regular permit to carry. Provisional Permits will expire on the persons 21<sup>st</sup> birthday no matter what the issuing date. At that time they can apply for the regular permit or carry under West Virginia's Permitless Carry law. No additional training etc. is required to obtain their regular permit. Handgunlaw.us believes that you could apply up to 45 days before you would turn 21 and the regular permit would be issued on your 21<sup>st</sup> birthday. Check with your local Sheriff. [Provisional Permit Application.](#)

## Non-Resident Permit/License

West Virginia does not issue Permit/Licenses to Non-Residents.

## Places Off-Limits Even With a Permit/License

### From the WV AG's [Handbook on Firearm Laws](#) for West Virginia

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

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

### <sup>2</sup>[§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.

**(b)(2)(E)** A person who, as otherwise permitted by the provisions of this article, possesses an **unloaded** firearm or deadly weapon in a motor vehicle or leaves an **unloaded** firearm or deadly weapon in a **locked motor vehicle**; (**Note:** Unloaded, Secured out of sight in vehicle is allowed on school property.)

**(2)(I)** Any person, twenty-one years old or older, who has a valid concealed handgun permit may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle or other areas of vehicular ingress or egress to a public school: *Provided, That:*

- (i) when he or she is occupying the vehicle the person stores the handgun out of view from persons outside the vehicle; or
- (ii) when he or she is not occupying the vehicle the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a locked trunk, glove box or other interior compartment, or in a locked container securely fixed to the vehicle.

**(3)** A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than ten years, or fined not more than \$5,000, or both fined and imprisoned.

**Note:** If you have a permit WV Issues or Honors you can keep your loaded firearm on your person as long as it stays out of sight and you do not get out of the vehicle. You can not carry a loaded firearm on your person or in your vehicle if carrying under Permitless Carry.

## WV Capitol Grounds

**Note:** You have to have a Permit WV Issues or Honors to store a firearm in your vehicle at the State Capitol Complex.

### **§61-6-19. Willful disruption of governmental processes; offenses occurring at State Capitol Complex; penalties.**

(b) It is unlawful for any person to bring upon the State Capitol Complex any weapon as defined in section two, article seven of this chapter: ***Provided, That a person who holds a valid, current concealed weapons permit*** issued by a sheriff of this state or the appropriate authority of another jurisdiction may keep a firearm in his or her motor vehicle upon the State Capitol Complex if the vehicle is locked and the weapon is out of normal view. It is unlawful for any person to willfully deface any trees, wall, floor, stairs, ceiling, column, statue, monument, structure, surface, artwork or adornment in the State Capitol Complex. It is unlawful for any person or persons to willfully block or otherwise willfully obstruct any public access, stair or elevator in the State Capitol Complex after being asked by a law-enforcement officer acting in his or her official capacity to desist: *Provided, That, in order to preserve the constitutional right of the people to assemble, it is not willful blocking or willful obstruction for persons gathered in a group or crowd if the persons move to the side or part to allow other persons to pass by the group or crowd to gain ingress or egress: Provided, however, That this subsection does not apply to a law-enforcement officer acting in his or her official capacity.*

Any person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 or confined in jail not more than six months, or both.

### **§61-7-2. Definitions.**

(10) “Concealed” means hidden from ordinary observation so as to prevent disclosure or recognition. A deadly weapon is concealed when it is carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the deadly weapon was being carried. For purposes of concealed handgun licensees, a licensee shall be deemed 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.

### **§8-12-5a. Limitations upon municipalities' power to restrict the purchase, possession, transfer, ownership, carrying, transport, sale and storage of certain weapons and ammunition.**

(a) Except as provided by the provisions of this section and the provisions of section five of this article, neither a municipality nor the governing body of any municipality may, by ordinance or otherwise, limit the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any revolver, pistol, rifle or shotgun or any ammunition or ammunition components to be used therewith nor to so regulate the keeping of gunpowder so as to directly or indirectly prohibit the ownership of the ammunition in any manner inconsistent with or in conflict with state law.

(b) For the purposes of this section:

(1) “Municipally owned or operated building” means any building that is used for the business of the municipality, such as a courthouse, city hall, convention center, administrative building or other similar municipal building used for a municipal purpose permitted by state law: *Provided, That “municipally owned or operated building” does not include a building owned by a municipality that is leased to a private entity where the municipality primarily serves as a property owner receiving rental payments.*

(2) “Municipally owned recreation facility” means any municipal swimming pool, recreation center, sports facility, facility housing an after-school program or other similar facility where children are regularly present.

~~(c)(1) A municipality may enact and enforce an ordinance or ordinances that prohibit or regulate the carrying~~

~~or possessing of a firearm in municipally owned or operated buildings.~~ (Overruled by Kanawha County Court Ruling 9/21/17. See AG Opinions/Court Case Section or Read below.)

(2) A municipality may enact and enforce an ordinance or ordinances that prohibit a person from carrying or possessing a firearm **openly or that is not lawfully concealed** in a municipally owned recreation facility:

(3) A person may keep an otherwise lawfully possessed firearm in a motor vehicle in municipal public parking facilities if the vehicle is locked and the firearm is out of view.

### Where Cities/Municipalities May Ban Carry (From the [West Virginia Citizens Defense League](#))

SB317 (2014 session) preemption made state law uniform. Cities may not ban carry on property in excess of what state law allows. This was a major win for firearms rights, as it removed a minefield where various cities had different laws. Places cities may ban carry:

- City Hall
- Convention Centers
- Administrative Buildings
- Other buildings used for the business of city government, not to include parks and garages
- Open carry without a CHL on city property
- Open carry without a license at a festival/fair/event where streets or sidewalks are blocked for the event

---

### From the [WVCDL](#) Carry in City Parks and Recreation Areas

The West Virginia Citizens Defense League suit against the City of Charleston has been decided (9/21/17) in the Circuit Court of Kanawha County. This ruling does not just affect Charleston. Every city in West Virginia now has a ruling prohibiting their ability to disarm us in these facilities. You can read the ruling [Here](#).

The illegal portions of Charleston's ordinance banning firearms at: "*... all parks and recreation buildings and facilities, including recreation centers, playgrounds, swimming pools, dressing areas, tennis courts, parks and recreation areas and all parking facilities ...*" is null and void.

- **School property remains off limits** (excepting pickup and drop off per SB388 if you have a permit to carry), **and any property to which the school systems hold deed, title, or lease**, is a felony. This includes the Martin Luther King, Jr. Recreational Center.

- Definition of the term "securely stored:" "*... as being on one's person and in a holster, purse, or bag so as long as the weapon remains attached to the individual, firmly adhered to one's body, and is not freely placed.*"

Meat of the ruling: "*This court does hereby further find that if the municipal recreation center is not leased or used by the Board of Education for school activities, events, or functions, then individuals with a valid license to carry a concealed weapon may carry their lawfully possessed firearm into said premises so long as the firearm is securely stored, out of view and access to others as prescribed by W. Va. Code 8-12-5a. The phrase "securely stored out of view and access to others" is interpreted by this court as being on one's person and in a holster, purse, or bag so as long as the weapon remains attached to the individual, firmly adhered to one's body, and is not freely placed. Storing a firearm within the confines of one's locker or gun case is also acceptable, so long as the locker or case is locked and secured by key or combination. The City of Charleston is under no obligation to provide locks and/or cases for such storage.*"

---

**Note:** The West Virginia State Police Barracks and the DMV Regional Offices that I have been to have signs posted stating "No Firearms." WV preemption (See Preemption Section Below) only covers

municipalities. St. Police and DMV Offices are not mentioned in WV Law on being off limits. I would not want to be the test case. People at the state level are stating that [61-6-19](#) and [61-7-14](#) gives them the authority on all state property.

### **Firearm Carry On West Virginia State Parks**      [\(WVDNR\)](#)

Park guests may possess and carry cased rifles or shotguns within the boundaries of state parks. "Cased rifle or shotgun" means a rifle or shotgun which is contained in a fully enclosing case which requires a zipper, lid or other cover to be opened for access.

Park guests may possess and carry cased handguns within the boundaries of state parks subject to general state law or restrictions on such carry. "Cased handgun" means a handgun carried in a concealed manner or a handgun which is otherwise contained in a fully enclosing case or any type of secure holster.

Park guests shall not be required to obtain written permission prior to transporting a cased firearm within the boundaries of the area.

For Federal Restrictions on Firearms see the [USA Page](#).

### **Do "No Gun Signs" Have the Force of Law?**

**"NO"**

"No Firearm" signs in West Virginia have no force of law unless they are posted on property that is specifically mentioned in State Law as being off limits to those with a Permit/License to Carry. If you are in a place not specifically mentioned in the law that is posted and they ask you to leave, you must leave. If you refuse to leave then you are breaking the law and can be charged. Even if the property is not posted and you are asked to leave you must leave. Always be aware of the possibility that responding Police Officers who may have been called without your knowledge and may not know the laws on trespass etc. could arrest you even if you are within the law.

"Handgunlaw.us highly recommends that you not enter a place that is posted "No Firearms" no matter what the state laws read/mean on signage. We recommend you print out the [No Guns = No Money Cards](#) and give one to the owner of the establishment that has the signage." As responsible gun owners and upholders of the 2nd Amendment we should also honor the rights of property owners to control their own property even if we disagree with them."

### **Must Inform Officer Immediately on Contact By Law?**

**"NO"**

[§61-7-6a](#). States a Non-Resident carrying from a state WV honors, "The permit or license is in his or her immediate possession." I can't find anything in WV law that now states a resident must carry their license. Handgunlaw.us recommends you always carry you Permit/License along with your Drivers License/St. ID.

### **Carry In State Parks//WMA/Road Side Rest Areas & St. /Nat. Forests**

**Carry Allowed in these Areas:**

**State Parks:**    **YES**    See [§20-2-5](#) and [WVDNR](#)    **Concealed Only    No Long Guns unless Hunting.**

**State/National Forests:**    **YES**    Per WVDNR



**State WMA's: YES Per WVDNR**

**Road Side Rest Areas: YES**

## **RV/Car Carry Without a Permit/License**

### **§61-7-7. ... Right of Nonprohibited Persons Over Twenty-One Years of Age to Carry Concealed Deadly Weapons ...**

(c) Any person may carry a concealed deadly weapon without a license therefor who is:

- (1) At least twenty-one years of age;
- (2) A United States citizen or legal resident thereof;
- (3) Not prohibited from possessing a firearm under the provisions of this section; and
- (4) Not prohibited from possessing a firearm under the provisions of 18 U. S. C. §922(g) or (n).

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

- (7) A member of the United States Armed Forces, Reserve or National Guard;

**Note:** Active members of the Military, Reserves or National Guard 18 and older can carry concealed with only their Military ID. All other carrying under Permitless Carry must be 21. You must have Photo/Military ID in your possession when Carrying.

## **Open Carry (Without a Valid Permit/License)**

Open Carry is legal. Places as listed in the “Places Off Limits” above apply to those who open carry. See the “RV/Car Carry Without a Permit/License” section for carrying in a vehicle.

The state preempts all firearm laws in the state but municipalities may enact and enforce an ordinance or ordinances that prohibit a person from carrying or possessing a firearm openly or that is not lawfully concealed in a municipally owned recreation facility. (See Preemption Section and Off Limits Section) Remember that if you enter any property and the owner/responsible person ask you to leave you must leave. Failure to leave can result in Trespass Charges. The Minimum age for Open Carry is 18

Whenever pedestrian or vehicular traffic is prohibited in an area of a municipality for the purpose of a temporary event of limited duration, not to exceed fourteen days, which is authorized by a municipality, a municipality may prohibit persons who do not have a valid concealed handgun license from possessing a firearm in the area where the event is held;

In some states Open Carry is forbidden in places where those with a valid permit/license can carry. This is not the last word on Open Carry in this state. Check at [www.opencarry.org](http://www.opencarry.org) or go to Google and type in State Name Open Carry or Open Carry State Name for a search for open carry info in this state. Check with the [State's RKBA](#) Organization/s. Also see “Attorney General Opinions/Court Cases” Section for any written opinions/Cases on Open Carry.

**Note:** See Permitless Carry Section for information on carrying concealed without a permit/license.

### **§8-12-5a. Limitations Upon Municipalities' Power To Restrict The Purchase, Possession, Transfer, Ownership, Carrying, Transport, Sale and Storage of Certain Weapons and Ammunition.**

(a) Except as provided by the provisions of this section and the provisions of section five of this article, neither a municipality nor the governing body of any municipality may, by ordinance or otherwise, limit the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any revolver, pistol, rifle or shotgun or any ammunition or ammunition components to be used therewith nor to so regulate the keeping of gunpowder so as to directly or indirectly prohibit the ownership of the ammunition in any manner inconsistent with or in conflict with state law.

(b) For the purposes of this section:

(1) "Municipally owned or operated building" means any building that is used for the business of the municipality, such as a courthouse, city hall, convention center, administrative building or other similar municipal building used for a municipal purpose permitted by state law: *Provided*, That "municipally owned or operated building" does not include a building owned by a municipality that is leased to a private entity where the municipality primarily serves as a property owner receiving rental payments.

(2) "Municipally owned recreation facility" means any municipal swimming pool, recreation center, sports facility, facility housing an after-school program or other similar facility where children are regularly present.

(c)(1) A municipality may enact and enforce an ordinance or ordinances that prohibit or regulate the carrying or possessing of a firearm in municipally owned or operated buildings.

**\*\***(2) A municipality may enact and enforce an ordinance or ordinances that prohibit a person from carrying or possessing a firearm **openly or that is not lawfully concealed** in a municipally owned recreation facility: *Provided*, That a municipality may not prohibit a person with a valid concealed handgun permit from carrying an otherwise lawfully possessed firearm into a municipally owned recreation facility and securely storing the firearm out of view and access to others during their time at the municipally owned recreation facility.

(3) A person may keep an otherwise lawfully possessed firearm in a motor vehicle in municipal public parking facilities if the vehicle is locked and the firearm is out of view.

(4) A municipality may not prohibit or regulate the carrying or possessing of a firearm on municipally owned or operated property other than municipally owned or operated buildings and municipally owned recreation facilities pursuant to subdivisions (1) and (2) of this section: *Provided*, That a municipality may prohibit persons who do not have a valid concealed handgun license from carrying or possessing a firearm on municipally owned or operated property.

(d) It shall be an absolute defense to an action for an alleged violation of an ordinance authorized by this section prohibiting or regulating the possession of a firearm that the person: (1) Upon being requested to do so, left the premises with the firearm or temporarily relinquished the firearm in response to being informed that his or her possession of the firearm was contrary to municipal ordinance; and (2) but for the municipal ordinance the person was lawfully in possession of the firearm.

(e) Any municipality that enacts an ordinance regulating or prohibiting the carrying or possessing of a firearm pursuant to subsection (c) of this section shall prominently post a clear statement at each entrance to all applicable municipally owned or operated buildings or municipally owned recreation facilities setting forth the terms of the regulation or prohibition.

(f) Redress for an alleged violation of this section may be sought through the provisions of chapter fifty-three of this code, which may include the awarding of reasonable attorneys fees and costs.

(g) Upon the effective date of this section, section fourteen, article seven, chapter sixty-one of this code is inapplicable to municipalities. For the purposes of that section, municipalities may not be considered a person charged with the care, custody and control of real property.

(h) This section does not:

(1) Impair the authority of any municipality, or the governing body thereof, to enact any ordinance or resolution respecting the power to arrest, convict and punish any individual under the provisions of subdivision (16), section five of this article or from enforcing any such ordinance or resolution;

(2) Authorize municipalities to restrict the carrying or possessing of firearms, which are otherwise lawfully possessed, on public streets and sidewalks of the municipality: *Provided*, That whenever pedestrian or vehicular traffic is prohibited in an area of a municipality for the purpose of a temporary event of limited duration, not to exceed fourteen days, which is authorized by a municipality, a municipality may prohibit persons who do not have a valid concealed handgun license from possessing a firearm in the area where the event is held; or

(3) Limit the authority of a municipality to restrict the commercial use of real estate in designated areas through planning or zoning ordinances. WV Code updated with legislation passed through the [2015 Regular Session](#)

**\*\*** The Kanawha County Court has Ruled: Definition of the term "securely stored:" "... *as being on one's person and in a holster, purse, or bag so as long as the weapon remains attached to the individual, firmly adhered to one's body, and is not freely placed.*" You can read the ruling [Here](#).

## Deadly Force Laws

[§55-7-22](#). Civil relief for persons resisting certain criminal activities. (Castle Doctrine)

## Knife Laws State/Cities

To access State/Local Knife Laws Click ["Here"](#)

## Carry in Restaurants That Serve Alcohol

**YES**

**Note:** A **"YES"** above means you can carry into places like described below. **"NO"** means you can't. Handgunlaw.us definition of "Restaurant Carry" is carry in a restaurant that serves alcohol. Places like Friday's or Red Lobster unless posted with "No Gun Signs." This may or may not mean the bar or the bar area of a restaurant. But you can carry your firearm into a restaurant that serves alcohol and sit and eat without consuming. Handgunlaw.us recommends you not sit at the Bar or in the Bar area of such restaurants. In some states it is illegal to be in the Bar area of such restaurants. Handgunlaw.us believes you should never consume alcohol when carrying your firearm. In some states it is illegal to take even one drink while carrying a firearm. If you want further info on carrying in places that serve alcohol check your state laws.

## Chemical Sprays/Stun Gun/Higher Capacity Magazine Laws

Handgunlaw.us could find no restrictions in West Virginia Law concerning Chemical Sprays, Stun Guns Or Higher Capacity Magazine Bans.

[www.handgunlaw.us](http://www.handgunlaw.us)

## LEOSA State Information

### [LEOSA Application For Retired Member Handgun Authorization \(From the WV State Police\)](#)

See the LEOSA Section on the [USA Page](#) at Handgunlaw.us for more LEOSA Information.

## Attorney General Opinions/Court Cases

### [West Virginia Supreme Court - Supreme Court decision, Defense of Others](#)

### [WV Supreme Court – No Duty to Retreat in your Home](#)

### [Kanawha County Court – City Parks and Recreation Area Carry](#) (9/17)

## Airport Carry/Misc. Information

**Airport Carry:** No laws found.

**Training Valid for:** No set time limit.

**Time Period to Establish Residency:** Upon obtaining a West Virginia Drivers License/ID

**Minimum Age for Permit/License:** 18

**Permit/License Info Public Information:** **NO** §29B-1-4. (20)

**State Reciprocity/How They Honor Other States Statute:** §61-7-6a.

**State Fire arm Laws:** §61-7-1 thru §61-7-15

**State Deadly Force Laws:** §55-7-22.

**State Knife Laws:** §61-7-2

**Chemical/Electric Weapons Laws:** No laws found.

**Body Armor Laws:** §61-7-15.

**Does Your Permit/License Cover Other Weapons Besides Firearms?** **NO**

**Is carrying of a Concealed Firearm with Permit/License for Defensive Purposes Only While Hunting Legal?** **YES** WV Dept of Nat Recourses General Regulations

## Notes

### What Does WV Consider A Loaded Firearm?

#### [§20-2-5. Unlawful Methods of Hunting and Fishing and Other Unlawful Acts.](#)

#### What is Loaded.

(10) Have in his or her possession a crossbow with a nocked bolt, or a rifle or shotgun with cartridges that have not been removed or a magazine that has not been detached, in or on any vehicle or conveyance, or its attachments,. For the purposes of this section, a rifle or shotgun whose magazine readily detaches is considered unloaded if the magazine is detached and no cartridges remain in the rifle or shotgun itself. Except that between five o'clock post meridian of day one and seven o'clock ante meridian, Eastern Standard Time, of the following day, any unloaded firearm or crossbow may be carried only when in a case or taken apart and securely wrapped. During the period from July 1 to September 30, inclusive, of each year, the  
www.handgunlaw.us

requirements relative to carrying unloaded firearms are permissible only from eight-thirty o'clock post meridian to five o'clock ante meridian, Eastern Standard Time: *Provided*, That the time periods for carrying unloaded and uncased firearms are extended for one hour after the post meridian times and one hour before the ante meridian times established in this subdivision, if a person is transporting or transferring the firearms to or from a hunting site, campsite, home or other abode;

## **State Emergency Powers**

### **§15-5-6. Emergency Powers of Governor.**

(a) The provisions of this section are operative only during the existence of a state of emergency or state of preparedness. The existence of a state of emergency or state of preparedness may be proclaimed by the Governor or by concurrent resolution of the Legislature if the Governor in the proclamation, or the Legislature in the resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural or man-made disaster of major proportions has actually occurred or is imminent within the state, or that an emergency exists or may be imminent due to a large-scale threat beyond local control, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section.

(b) Any state of emergency or state of preparedness, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of emergency or state of preparedness: *Provided*, That in no case shall a state of preparedness last longer than thirty days.

(c) So long as a state of emergency or state of preparedness exists, the Governor has and may exercise the following additional emergency powers:

(1) To enforce all laws and rules relating to the provision of emergency services and to assume direct operational control of any or all emergency service forces and helpers in the state;

(2) To sell, lend, lease, give, transfer or deliver materials or perform functions relating to emergency services on terms and conditions he or she prescribes and without regard to the limitations of any existing law and to account to the State Treasurer for any funds received for the property;

(3) To procure materials and facilities for emergency services by purchase, condemnation under the provisions of chapter fifty-four of this code or seizure pending institution of condemnation proceedings within thirty days from the seizing thereof and to construct, lease, transport, store, maintain, renovate or distribute the materials and facilities. Compensation for property so procured shall be made in the manner provided in chapter fifty-four of this code;

(4) To obtain the services of necessary personnel, required during the emergency, and to compensate them for their services from his or her contingent funds or other funds available to him or her;

(5) To provide and compel the evacuation of all or part of the population from any stricken or threatened area within the state and to take steps that are necessary for the receipt and care of the evacuees;

(6) To control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area and the occupancy of premises therein;

(7) To suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency;

(8) To use available resources of the state and of its political subdivisions that are reasonably necessary to cope with the emergency;

(9) To suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles; (10) To make provision for the availability and use of temporary emergency housing; and

(11) To perform and exercise other functions, powers and duties that are necessary to promote and secure the safety and protection of the civilian population.

(d) The declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact established in section twenty-two of this article and the Statewide Mutual Aid Systems set forth in section twenty-eight of this article.

(e) The powers granted under this section do not authorize any action that would violate the prohibitions of section nineteen-a of this article. (See 19a below)

**§15-5-19a. Possession of Firearms During A Declared State of Emergency.** (Edited for Space Considerations)

(a) No person acting on behalf or under the authority of the state or a political subdivision of the state may do any of the following during any federal or state declared state of emergency:

(1) Prohibit or restrict the otherwise lawful possession, use, carrying, transfer, transportation, storage or display of an firearm or ammunition.

(2) Seize, confiscate, or authorize the seizure or confiscation of any otherwise lawfully-possessed firearm or ammunition unless:

(A) The person acting on behalf of or under the authority of the state or political subdivision is:

(i) Defending himself or another from an assault; or,

(ii) Arresting a person in actual possession of a firearm or ammunition for a violation of the law; or

(B) The firearm or ammunition is being seized or confiscated as evidence of a crime; or

(3) Requires registration of any firearm or ammunition.

(b) The prohibitions of subsection (a)(1) do not prohibit the state or an authorized state or local authority from ordering and enforcing an evacuation or general closure of businesses in the affected area during a declared state of emergency.

(c) Any individual aggrieve

(d) In addition to any other remedy at or in equity, an individual aggrieved by the seizure or confiscation of a firearm or ammunition in violation of this section may bring an action for the return of such firearm or ammunition in the circuit court of the county in which the individual resides or in which such firearm or ammunition is located.

(e) In any action or proceeding to enforce this section, the court shall award a prevailing plaintiff costs and reasonable attorney fees.

**Note:** Federal Law can apply if the state is receiving monetary and/or other assistance from the Federal Government. See [US Code 42-5207](#) for Federal Law as it applies to States of Emergencies. The state quoted code may also not be all of the law on Emergency Powers held by the state. You should read the entire code on Emergency Powers etc for this state by following the link to the state code.

**Minimum Age for Possessing and Transporting of Handguns.**

**West Virginia 18 Y/O [§61-7-8](#)**

This is the minimum age for possessing and transporting a handgun unloaded and secured in a vehicle

without any type of permit/license to carry firearms.

**Note:** In some states Possession and Transportation CAN be very restrictive in that you can ONLY possess and transport a handgun to and from a Shooting Range, Gun Shop, property you own or other places you can legally possess a handgun. Some states do not have this restriction.

This is not the last word on possession and transporting of handguns in this, or any other state. Study your state law further for more information. See "RV/Car Carry" Section Above for more information.

## Permit/License Image

County Sheriffs issue Licenses in WV. The first image is for the paper format that some counties used. The second image is the new format that to the best of my knowledge is being issued by all county Sherriff's now.

This image has been digitally assembled. It may not be 100% accurate but gives a good representation of the actual Permit/License. Do notice that it says Permit on the front and License on the back.

The Provisional Permit issued to those 18-20 will have the same format but have "Provisional" prominently displayed on the front.

## Updates to this Page

[Archive of Previous Updates](#) 4

**2/24/17** – New Hampshire Added as Permitless Carry State to List of States Under Map at Top of Page.

**7/8/17** - Places Off Limits Updated with K-12 Parking Lot Carry. State Park Carry Updated in St Parks/WMA/ St/Nat Forests/ Rest Areas Section.

**8/20/17** – West Virginia Now Honors Wisconsin. All Links Checked.

**9/30/17** – Places Off Limits, Preemption, Open Carry and AG Opinions/Court Cases Sections Updated. Court Case Decided Carry on City Recreation Areas and Defined "Securely Stored."