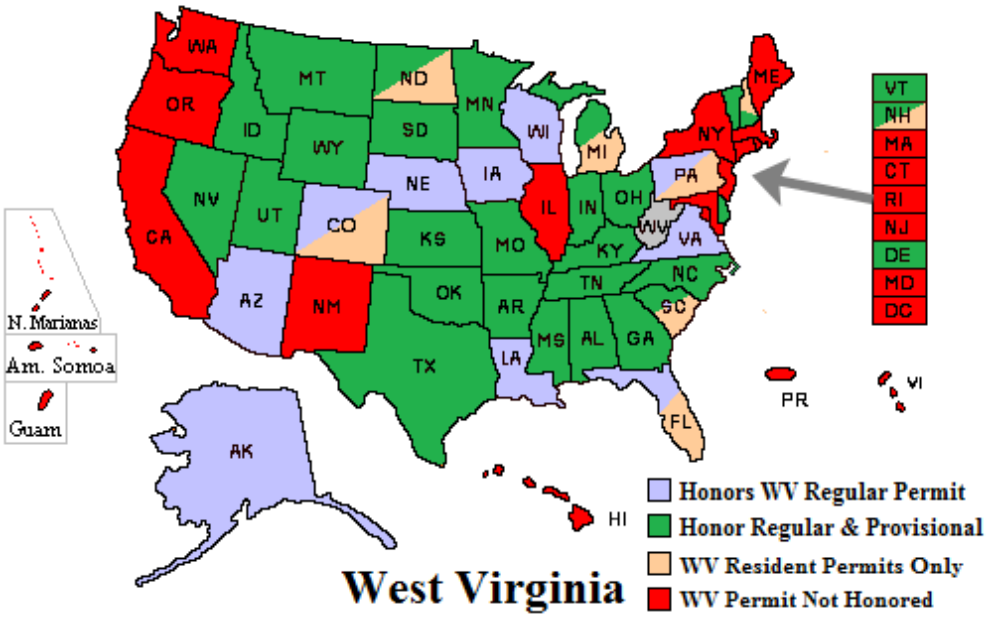
West Virginia

Permitless Carry State

Shall Issue

Must Inform Officer Immediately: NO

(See Must Inform Section)



Note: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia and Wyoming have "Permitless Carry"
Anyone who can legally possess a firearm under state and federal law may carry in these states without a Permit. Check each states page for age or other restrictions that may apply

West Virginia Links√

State CCW Site

State CCW Pamphlet
July 2024

Attorney General FAQs

CCW Application

Provisional Permit App

St. Police FAQs

State Statutes

State Admin Rules

State Reciprocity Info

State Attorney General

2nd CCW Info Site

Age to Carry a Firearm In Other States

Last Updated: 9/5/2026

Permits/Licenses This State Honors Listed Below

Alabama	Alaska	Arizona	Arkansas	Colorado
Delaware	Florida	Georgia	Idaho	Indiana
Iowa	Kansas	Kentucky	Louisiana	Michigan
Minnesota	Mississippi	Missouri	Montana	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.

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 right.

Note: West Virginia is a Permitless Carry state and any resident or non-resident who is 18 Y/O and 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 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 18 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.

2013 Acts, ch. TBD (SB 369), eff. 7/12/2013

Permitless Carry

§61-7-7. … Right of Nonprohibited Persons Over 18 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 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).

HB 4106 2026

How to Apply for a Permit/License

Links to All West Virginia Sheriffs CCW Information

Take a Class as described Below:

§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.

(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 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 or proof of other handgun qualification received while serving in any branch of the United States military, reserve or National Guard.

(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 licensees' most recent birthday.

(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 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. 2024 Acts, ch. TBD SB 147

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 at least eighteen years of age and less than twenty-one 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:

(g) Before any approved license is issued or is effective, the applicant shall pay to the 98 sheriff a fee in the amount of $15 which the sheriff shall forward to the Superintendent of the West 99 Virginia State Police within thirty days of receipt. The provisional license is valid until the licensee 100 turns twenty-one years of age, unless sooner revoked. 2024 Acts, ch. TBD SB 147

Note: Total Charges would be $30.00. The Applicant must meet the same requirements as those applying for a regular permit to carry. Provisional Permits will expire on the persons 21st 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 21st birthday. Check with your local Sheriff. **Provisional Permit Application.**

Non-Resident Permit/License

§61-7-4. License to Carry Deadly Weapons; How Obtained.

(a)(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. 2024 Acts, ch. TBD SB 147

Note: Do contact the sheriff you are going to apply with as there could be some differences in how they handle the applications. Those 18-20 Non-Residents can apply as above.

See Resident Permit Section on how to apply and a Link to all West Virginia Sheriffs Dept. CCW Page. Handgunlaw.us also recommends you read the complete WV Statute **§61-7-4.**

Places Off-Limits Even With a Permit/License

From the WV AG's On the Mark Firearms Law Guide 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.[1]

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.[2]
7. Any building or area limited by municipal code. (See Municipalities Below)

[1]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.

[2]**§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:

(L) Any person, 18 years old or older, who has a valid concealed handgun permit may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school: Provided, That:

(i) When he or she is occupying the vehicle the person stores the handgun out of view from persons outside the vehicle; or

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

(3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor

more than 10 years, or fined not more than $5,000, or both fined and imprisoned.

2025 Acts, ch. TBD (HB 2164)

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't carry a loaded firearm on your person or in your vehicle onto K-12 school property if carrying under Permitless Carry.

§61-6-19. Willful Disruption of Governmental Processes; Offenses Occurring at State Capitol Complex; Penalties.

(a) If any person willfully interrupts or molests the orderly and peaceful process of any department, division, agency, or branch of state government or of its political subdivisions, he or she is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $100, or confined in jail not more than six months, or both fined and confined: *Provided*, That any assembly in a peaceable, lawful, and orderly manner for a redress of grievances is not a violation of this section.

(b)(1) It is unlawful for any person to bring upon the State Capitol Complex any deadly weapon as defined in §61-7-2 of this code: *Provided*, That a person who may lawfully possess a firearm 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: *Provided, however*, That a person may not carry upon the State Capitol Complex, a cannister of pepper spray as defined in §61-7-2 of this code that exceeds one ounce. 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 further*, 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: *And provided further*, That this subsection does not apply to a law-enforcement officer acting in his or her official capacity.

(2) 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 fined and confined.

2021 REGULAR SESSION HB2017

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

§61-7-2. Definitions.

(3) "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 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.

(5) …….The term "deadly weapon" does not include pepper spray as defined in subdivision (12) of this subsection when used by any person solely for self-defense purposes.

(12) "Pepper spray" means a temporarily disabling aerosol that is composed partly of **capsicum oleoresin** and causes irritation, blinding of the eyes, and inflammation of the nose, throat, and skin that is **intended for self-defense use**.

2023 Acts, ch. 329 SB 608

§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) 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 deadly weapon, firearm, or pepper spray, 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) "Deadly weapon" has the meaning provided in §61-7-2 of this code.

(2) "Firearm" has the meaning provided in §61-7-2 of this code.

(3) "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.

(4) "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.

(5) "Pepper spray" means a temporarily disabling aerosol that is composed partly of capsicum oleoresin and causes irritation, blinding of the eyes, and inflammation of the nose, throat, and skin that is intended for self-defense use.

(c)(1) A municipality may enact and enforce an ordinance or ordinances that prohibit or regulate the carrying or possessing of a deadly weapon, firearm, or pepper spray 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 deadly weapon, firearm, or pepper spray **openly or that is not lawfully concealed** in municipally owned recreation facility: *Provided*, That a municipality may not prohibit a person with a valid concealed handgun license 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 deadly weapon, firearm, or pepper spray in a motor vehicle in municipal public parking facilities if the vehicle is locked and the deadly weapon, firearm, or pepper spray is out of view.

(4) A municipality may not prohibit or regulate the carrying or possessing of a deadly weapon, firearm, or pepper spray 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 deadly weapon, firearm, or pepper spray that the person:

(1) Upon being requested to do so, left the premises with the deadly weapon, firearm, or pepper spray or temporarily relinquished the deadly weapon, firearm, or pepper spray in response to being informed that his or her possession of the deadly weapon, firearm, or pepper spray was contrary to municipal ordinance; and

(2) but for the municipal ordinance the person was lawfully in possession of the deadly weapon, firearm, or pepper spray.

(e) Any municipality that enacts an ordinance regulating or prohibiting the carrying or possessing of a deadly weapon, firearm, or pepper spray 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 §53-1-1 *et seq.* of this code, which may include the awarding of reasonable attorney's fees and costs, if the petitioner prevails.

(g) For the purposes of §61-7-14 of this code, municipalities may not be considered a person charged with the care, custody, and control of real property.

(h) This section does not:

(1) Authorize municipalities to restrict the carrying or possessing of deadly weapons, firearm, or pepper spray, which are otherwise lawfully possessed, on public streets and sidewalks of the municipality; or

(2) Limit the authority of a municipality to restrict the commercial use of real estate through planning or zoning ordinances; except that a municipality may not restrict or regulate a firearms or ammunitions related business entity in a manner more restrictive than the planning or zoning ordinances imposed upon any other retail business, nor shall a municipality place restrictions on quantity limitations regarding the lawful sale or servicing of any firearm or ammunition, any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or personal weapons other than firearms, including all indoor or outdoor shooting ranges.

(A) Any provision of an ordinance that is designed or enforced to effectively restrict or prohibit the sale, purchase, transfer, manufacture, repair, or display of firearms, ammunition, firearms accessories or components as that term is defined in §31A-2B-3 of this code, or personal defense tools or products other than firearms which are otherwise lawful under the laws of this state is void.

(B) A municipality may not use its planning or zoning powers solely to prohibit the sale of firearms, ammunition, firearms accessories or components as that term is defined in §31A-2B-3 of this code, or personal defense tools or products other than firearms within a prescribed distance of any other type of commercial property or of school property or other educational property.

Any person aggrieved by a violation of this subdivision may seek redress as provided in subsection (f) of this section. 2024 REGULAR SESSION HB 4782

Note: Open Carry or concealed without a permit can be prohibited by a city on their property but must be posted.

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 in West Virginia State Parks

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 for self defense in a

concealed manner or a handgun which is otherwise contained in a fully enclosing case or any type of secure holster. No open carry.

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**.

Campus Carry Act - Public Colleges//Universities Only

Note: A Permit WV issues or **Honors** is required to carry on a WV Campus. WV does issue Carry Permits to Non-Residents 18 or older. (See How to Apply Section above) WV does not honor all other state permits/licenses even though a Permitless Carry state. **No Open Carry or Permitless Carry allowed**.

Note: **Armed Campus Organization** Has information on all the States Campus Carry Statutes, Regulations and Policies with some covering firearms Policies on each school's campus.

§18B-4-5b. Concealed Carry on Higher Education Campuses; Exceptions.

(a) Subject to the provisions of subsection (b) of this section, a person holding a current and valid license to carry a concealed deadly weapon may carry a concealed pistol or revolver on the campus and in the buildings of a state institution of higher education. This subsection only applies to areas of the campus and buildings of a state institution of higher education under the custodial possession of the state institution of higher education and does not include areas rented, leased, or under an exclusive agreement for the full-time occupancy and use of a private entity.

(b) The provisions of subsection (a) of this section do not limit the authority of a state institution of higher education to regulate possession of a concealed pistol or revolver by a person holding a current and valid license to carry a concealed deadly weapon in the following locations when in compliance with §61-7-14 of this code:

(1) At an organized event taking place at a stadium or arena with a capacity of more than 1,000 spectators;

(2) At a daycare facility located on the property of the state institution of higher education;

(3) In the secure area of any building used by a law-enforcement agency on the property of the state institution for higher education;

(4) In an area of the property of the state institution of higher education that has adequate security measures in place to ensure that pistols or revolvers are not carried by the public into the area. As used in this section, "adequate security measures" means the use of electronic equipment and armed personnel at public entrances to detect and restrict the carrying of any pistols or revolvers into the area, including, but not limited to, metal detectors, metal detector wands, or any other equipment used for similar purposes to ensure that pistols or revolvers are not carried in those areas by members of the public;

(5) In an on-campus room or rooms in which a student or employee disciplinary proceeding is being held;

(6) In sole occupancy offices on the campus and in the buildings of the state institution of higher education. "Sole occupancy office" means a room with at least one door and walls that extend to the ceiling that is assigned to a single person as his or her workspace. This subdivision does not authorize a state institution of higher education to prohibit, regulate, or restrict faculty or staff members who hold a current and valid license to carry a concealed deadly weapon from carrying a concealed pistol or revolver in his or her assigned office;

(7) At a primary or secondary education school-sponsored function being held in a specific location on the

property of the state institution of higher education that is rented, leased, or under the exclusive use of 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;

(8) At a private function that is being held in a specific location on the property of the state institution of higher education that is rented, leased, or under the exclusive use of an entity that is not affiliated with the state institution of higher education for the actual period of time the function is occurring;

(9) In any area on the property of the state institution of higher education where possession of a firearm is prohibited by state or federal law;

(10) In specifically designated areas in which patient-care or mental health counseling is being provided;

(11) In high hazardous and animal laboratories, defined as laboratories with:

(A) Greater than 55 gallons of Class I flammable liquids and/or significant quantities of acids, bases, organics, pyrophorics, peroxides, bio-hazardous materials, extremely toxic materials, or pyrophoric or toxic gases classified NFPA 704 Category 3 or higher;

(B) Hazardous gases with K-size or larger cylinders containing corrosive, reactive, flammable, toxic, and/or oxidizer gases classified NFPA 704 Category 2 or higher;

(C) MRI and/or NMR equipment capable of generating significant magnetic fields with field strength of at least 5 gauss is measured outside the equipment or 5 gauss line typically at least 3 feet and as much as 20 feet from equipment;

(D) Large cylinders of acetylene; or

(E) Animal research laboratory spaces in locations not accessible to the public or generally accessible to students and staff, or

(12) In on-campus residence halls, except common areas such as lounges, dining areas, and study areas.

(c) An employee whose employment responsibilities require him or her to be in an on-campus residence hall and who holds a current and valid license to carry a concealed deadly weapon is permitted to carry a concealed revolver or pistol on or about his or her person while present in on-campus residence halls for purposes of his or her employment.

(d) Institutions of higher education shall provide either: (1) A secure location for the storage of a pistol or revolver in at least one of the institution's on-campus residence halls; or (2) make available an appropriate safe that may be installed in a resident's room in any of the institution's on-campus residence halls. If an institution chooses to make a storage room available to on-campus residents at an on-campus residence hall, the institution shall develop a policy that reserves an appropriate amount of rooms in the on-campus residence hall where the storage room is located for on-campus residents with a current and valid license to carry a concealed deadly weapon. The institution shall make the storage room available at all times during which the on-campus residence hall is open and fully operational for use by its residents. If West Virginia University chooses to provide secure locations instead of making safes available to students, it shall provide a secure location in at least two on-campus residence halls at its Morgantown campus and one at each of its Beckley and Keyser campuses.

(e) An institution of higher education may charge a reasonable fee for the use of the secure storage location or a safe.

(f) The provisions of subsection (a) of this section do not limit the authority of a state institution of higher education from taking disciplinary action against a student or employee with a valid license to carry a concealed deadly weapon who is convicted of a violation of §61-7-14 of this code related to carrying a firearm in a location listed in subsection (b) of this section.

(g) Notwithstanding any provision of subsection (a) of this section to the contrary, while on the campus or in the buildings of a state institution of higher education, a holder of a license to carry a concealed deadly weapon or any other person not expressly authorized to do so by the state institution of higher education, may not carry a pistol or revolver which is partially or wholly visible, or intentionally or knowingly display a firearm in plain view of another person in a way or manner to cause, or threaten, a breach of the peace, regardless of whether the firearm is holstered. A holder of a license to carry a concealed deadly weapon who violates this subsection may, in addition to any applicable criminal charges, be subject to discipline the state institution of higher education considers appropriate.

(h) It is the intent of the Legislature to establish, by this act, conditions under which persons with a current and valid license to carry a concealed deadly weapon may carry a concealed pistol or revolver at a state institution of higher education. When a person exercises the rights granted by this section, neither the carrying of a concealed pistol or revolver, nor any other conduct of person involving a concealed pistol or revolver, shall be construed to be an act of the state institution of higher education nor of the state, and no liability for any such actions of such person shall be imputed to the state institution of higher education, its officers, agents, or employees, unless the state institution of higher education has expressly requested or directed such person to carry a concealed pistol or revolver: *Provided*, That the failure to provide adequate security measures at any building or location at a state institution of higher education where the carrying of a concealed pistol or revolver is not permitted shall not give rise to a cause action or any liability whatsoever related to or arising from the carrying of a concealed pistol or revolver by any person.

(i) For the purposes of this section, a "license to carry a concealed deadly weapon" refers to a current and valid license, lawfully issued by the State of West Virginia pursuant to §61-7-4 or §61-7-4a of this code, or a current and valid license or permit recognized under §61-7-6a of this code.

(j) These amendments to this section enacted during the regular session of the Legislature, 2023, may be cited as the Campus Self-defense Act.

(k) The provisions of this section apply on or after July 1, 2024. 2023 Acts, ch. 174 (SB 10

School Policies: **WVU Morgantown/Parkersburg** **WVU** **Marshall** **Fairmont St** **West Liberty** **WVNCC** **Concord** **Shepherd Univ.** **WV School Osteopathic Medicine** **SWV Comm/Tech Col.**

Parking Lot Storage Law (Edited For Space Considerations)

§61-7-14 Right of Certain Persons to Limit Possession of Firearms on Premises. (The Business Liability Protection Act).

This section may be referred to as "The Business Liability Protection Act".

(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.

(2) 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. 2024 Acts, ch. TBD HB 5232

Note: **§61-7-11a** does not allow anyone without a permit WV issues or honors to have a loaded firearm in their vehicle in a K-12 parking lot. That law still applies even with the Parking Lot Storage Law as stated above.

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"

West Virginia has no statute or Administrative Rule stating you must inform an officer you are carrying on any official contact. You must tell an officer if ask. Lying to a Police Officer is an offense in itself.

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

Carry Allowed in these Areas:

State Parks: YES See §20-2-5 Concealed Only No uncased Long Guns unless Hunting.

State/National Forests: YES Per WVDNR

State WMA: YES Per WVDNR

Road Side Rest Areas: YES

***Notice:** If State Park Carry is Legal in this state and if that state park is located on a lake created by the US Army Corp of Engineers (COE) who owns the land and leases it to the state for that park the park is Off Limits to the legal carrying of firearms per federal law. **36 CFR 327.13** District Commanders received this Memorandum detailing how they could authorize someone to carry on (COE) property. The (COE) has also put out a Pamphlet on carrying firearms on (COE) Property. They do not post their property you must know the boundaries. Hunting **is usually** allowed during hunting season.

RV/Car Carry Without a Permit/License

§61-7-7. … Right of Nonprohibited Persons 18 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 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).

2016 Acts, ch. TBD (HB 4145), eff. 6/3/2016.

Loaded Long Guns in Vehicles/State Parks/St Forest Recreation Areas/Trails

§20-2-5. Unlawful Methods of Hunting and Fishing and Other Unlawful Acts; Sunday Hunting.

(a) Except as authorized by the director or by law, it is unlawful at any time for any person to:

(9) Carry an uncased or loaded firearm in the woods of this state or in state parks, state forests, state wildlife management areas, or state rail trails with the following permissible exceptions:

(A) A person in possession of a valid license or permit during open firearms hunting season for wild animals and nonmigratory wild birds where hunting is lawful;

(B) A person hunting or taking unprotected species of wild animals, wild birds, and migratory wild birds during the open season, in the open fields, open water, and open marshes of the state where hunting is lawful;

(C) A person carrying a firearm pursuant to §20-2-6 of this code; (Own Property)

(D) A person carrying a firearm for self-defense who is not prohibited from possessing firearms under state or federal law; or

(E) A person carrying a rifle or shotgun for self-defense who is not prohibited from possessing firearms under state or federal law**:** ***Provided*****, That this exception does not apply to an uncased rifle or shotgun carried specifically in state park or state forest recreational facilities and marked trails within state park or state forest borders;**

(17) Have a bow and gun, or have a gun and any arrow, in the fields or woods at the same time;

(18) Have a crossbow in the woods or fields, or use a crossbow to hunt, take, or attempt to take any wildlife except as otherwise provided in §20-2-5g and §20-2-42w of this code;

2022 Acts, ch. TBD (HB 4048), eff. 5/24/2022

Note: HB 4048 passed in 2022 has the preamble as below which amended §20-2-5 removing the prohibitions as listed below.

AN ACT to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to removing the criminal prohibitions against carrying loaded long guns, nocked cross bows with a nocked bolt, or bows with a nocked arrow in a motor vehicle; and removing prohibitions against carrying long guns, cross bows, or bows, that are not in a case or taken apart, in motor vehicles during evening hours.

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. Also No Open Carry in State Parks.

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. 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.

State Preemption

§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) 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 deadly weapon, firearm, or pepper spray, 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) "Deadly weapon" has the meaning provided in §61-7-2 of this code.

(2) "Firearm" has the meaning provided in §61-7-2 of this code.

(3) "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.

(4) "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.

(5) "Pepper spray" means a temporarily disabling aerosol that is composed partly of capsicum oleoresin and causes irritation, blinding of the eyes, and inflammation of the nose, throat, and skin that is intended for self-defense use.

(c)(1) A municipality may enact and enforce an ordinance or ordinances that prohibit or regulate the carrying or possessing of a deadly weapon, firearm, or pepper spray 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 deadly weapon, firearm, or pepper spray **openly or that is not lawfully concealed** in municipally owned recreation facility: Provided, That a municipality may not prohibit a person with a valid concealed handgun license 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 deadly weapon, firearm, or pepper spray in a motor vehicle in municipal public parking facilities if the vehicle is locked and the deadly weapon, firearm, or pepper spray is out of view.

(4) A municipality may not prohibit or regulate the carrying or possessing of a deadly weapon, firearm, or pepper spray 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 subsection prohibiting or regulating the possession of a deadly weapon, firearm, or pepper spray that the person:

(1) Upon being requested to do so, left the premises with the deadly weapon, firearm, or pepper spray or temporarily relinquished the deadly weapon, firearm, or pepper spray in response to being informed that his or her possession of the deadly weapon, firearm, or pepper spray was contrary to municipal ordinance; and

(2) but for the municipal ordinance the person was lawfully in possession of the deadly weapon, firearm, or

pepper spray.

(e) Any municipality that enacts an ordinance regulating or prohibiting the carrying or possessing of a deadly weapon, firearm, or pepper spray 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 §53-1-1 *et seq.* of this code, which may include the awarding of reasonable attorney's fees and costs, if the petitioner prevails.

(g) For the purposes of §61-7-14 of this code, municipalities may not be considered a person charged with the care, custody, and control of real property.

(h) This section does not:

(1) Authorize municipalities to restrict the carrying or possessing of deadly weapons, firearm, or pepper spray, which are otherwise lawfully possessed, on public streets and sidewalks of the municipality; or

(2) Limit the authority of a municipality to enact or enforce generally applicable zoning or business ordinances that apply to firearms businesses to the same degree as other similar businesses except as follows:

(A) Any provision of an ordinance that is designed or enforced to effectively restrict or prohibit the sale, purchase, transfer, manufacture, repair, or display of firearms, ammunition, firearms accessories or components as that term is defined in **§31A-2B-3** of this code, or personal defense tools or products other than firearms which are otherwise lawful under the laws of this state is void.

(B) A municipality may not use its planning or zoning powers solely to prohibit the sale of firearms, ammunition, firearms accessories or components as that term is defined in **§31A-2B-3** of this code, or personal defense tools or products other than firearms within a prescribed distance of any other type of commercial property or of school property or other educational property.

Any person aggrieved by a violation of this subdivision may seek redress as provided in subsection (f) of this section.

(i) The amendments to this section enacted in the 2024 Regular Session of the Legislature shall be known as the Second Amendment Business Protection Act. 2024 Acts, ch. TBD HB 4782

Note: Open Carry/Concealed without a permit can be prohibited by a city on their property but must be posted.

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

§61-7-2. Definitions

(5) …….The term "deadly weapon" does not include pepper spray as defined in subdivision (12) of this subsection when used by any person solely for self-defense purposes.

(12) "Pepper spray" means a temporarily disabling aerosol that is composed partly of **capsicum oleoresin** and causes irritation, blinding of the eyes, and inflammation of the nose, throat, and skin that is **intended for self-defense use**. 2023 Acts, ch. 329 SB 608

§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 §61-7-2 of this code: Provided, That a person who may lawfully possess a firearm 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. *Provided, however,* That a person may not carry upon the State Capitol Complex, **a canister of pepper spray as defined in §61-7-2 of this code that exceeds one ounce……** Violation is a misdemeanor.
2021 REGULAR SESSION HB2017

Note: 61-7-2 defines pepper spray as composed of capsicum oleoresin and is no longer a Deadly Weapon if carried by someone 16 years of age or older for defensive purposes. No statewide restrictions on the size you can carry but only a container of no more than 1 oz is allowed at the state capitol complex per 61-6-19. State Preemption laws now apply to Pepper Spray and there can be no local Ordinances more stringent than state law.

LEOSA State Information

LEOSA Application For Retired Member Handgun Authorization (From the WV State Police)

§30-29-12 - WV Law Enforcement Agencies Must Supply Retirees Identification Upon Retirement

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

Link to State Statutes

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 Firearm 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**

State Safe Storage/Access by Minors Statute/s: **No Statute Found**

Is carrying of a Concealed Firearm with or without a 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?

West Virginia Statute and DNR Hunting Regulations no longer define what loaded means. Below is the definition before their latest law change that allows for carrying firearms just about everywhere with pemitless carry.

Possess a loaded rifle or shotgun, a bow with a nocked arrow, or crossbow with a nocked bolt, in or on any vehicle or conveyance, or its attachments. A rifle or shotgun with cartridges that have not been removed or a magazine that has not been detached is considered loaded. 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;

State Emergency Powers

Article 5. Division of Homeland Security and Emergency Management.

§15-5-2. Definitions. (Edited for Space Considerations.Handgunlaw.us recommends you read all of §15-5-2)

As used in this article:

(2) "Code" means the Code of West Virginia, 1931, as amended;

(3) "Community facilities" means a specific work, or improvement within this state or a specific item of equipment or tangible personal property owned or operated by any political subdivision or nonprofit corporation and used within this state to provide any essential service to the general public;

(4) "Critical infrastructure" includes any systems and assets, whether physical or virtual, so vital to the state that the incapacity or destruction of such systems and assets would have a debilitating impact on security, state economic security, state public health or safety, or any combination of those matters;

(5) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or terrorist or man-made cause, including weapons of mass destruction, fire, flood, earthquake, wind, snow, storm, chemical or oil spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation or other public calamity requiring emergency action;

(6) "Disaster recovery activities" means activities undertaken prior to, during or following a disaster to provide, or to participate in the provision of, critical infrastructure, emergency services, temporary housing, residential housing, essential business activities, and community facilities;

(8) "Essential business activities" means a specific work or improvement within this state or a specific item of equipment or tangible personal property used within this state by any person to provide any essential goods or critical infrastructure services determined by the authority to be necessary for continued operations during a disaster, state of emergency, or state of preparedness, and for recovery from a disaster;

(11) "Person" means any individual, corporation, voluntary organization or entity, partnership, firm, or other association, organization, or entity organized or existing under the laws of this or any other state or country;

(12) "Political subdivision" means any county or municipal corporation in this state;

(14) "Residential housing" means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for residential housing, including, but not limited to, facilities for temporary housing and emergency housing, and any other nonhousing facilities that are incidental or appurtenant thereto;

(17) "Temporary housing" means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for temporary residential shelters or housing for victims of a disaster and such other nonhousing facilities that are incidental or appurtenant thereto. 2023 REGULAR SESSION SB128

§15-5-6. Proclamation of a state of emergency or state of preparedness by the Governor or the Legislature; (Edited for Space Considerations.Handgunlaw.us recommends you read all of §15-5-6)

(a) The provisions of this section, and any executive order issued pursuant to the provisions of this section, are operative only during the existence of a state of emergency or state of preparedness: This section or in any executive order issued hereunder may be construed to suspend or supersede any provision of the United States Constitution or West Virginia Constitution.

(b) The existence of a state of emergency may be proclaimed by the Governor by executive order or by concurrent resolution of the Legislature if the Governor in the proclamation, or the Legislature in the concurrent resolution, finds that conditions warranting the proclamation of a state of emergency exist, and that the health, safety, and welfare of the inhabitants of this state require an invocation of the provisions of this section.

(1) A gubernatorially proclaimed state of emergency expires 60 days after issuance of the executive order unless, prior to the 60th day, the Legislature adopts a concurrent resolution extending the state of

emergency beyond 60 days. A concurrent resolution adopted by the Legislature to extend a state of emergency proclaimed by the governor shall set forth within its terms the length of time for which the state of emergency shall be extended.

(2) A state of emergency, whether proclaimed by the Governor or by the Legislature, terminates upon the issuance of a proclamation of termination by the Governor, or the adoption by the Legislature of a concurrent resolution terminating the state of emergency.

(c) The existence of a state of preparedness may be proclaimed by the Governor by executive order or by concurrent resolution of the Legislature, if the Governor in the proclamation or the Legislature in the resolution, finds that conditions warranting the proclamation of a state of preparedness exist, and that the health, safety, and welfare of the inhabitants of this state require the invocation of the provisions of this section.

(1) A gubernatorially proclaimed state of preparedness expires 30 days after issuance of the executive order unless, prior to the 30th day, the Legislature adopts a concurrent resolution extending the state of preparedness beyond 30 days. A concurrent resolution adopted by the Legislature to extend a state of preparedness proclaimed by the governor shall set forth within its terms the length of time for which the state of preparedness shall be extended.

(2) A state of preparedness, whether proclaimed by the Governor of by the Legislature, terminates upon the issuance of a proclamation of termination by the Governor, or the adoption by the Legislature of a concurrent resolution terminating the state of preparedness.

(d) When a state of emergency follows a state of preparedness involving the same or substantially similar circumstances, the total time allotted for the duration of the two combined may not extend 90 days, unless the Governor follows the requirements for extending the state of emergency under subsection (b) of this section.

(e) Any proclamation or concurrent resolution issued under this section shall include, in general terms:

(1) A description of the facts and circumstances warranting the proclamation or concurrent resolution; and

(2) A designation of the geographic area threatened.

(f) Any proclamation or resolution shall be disseminated as soon as practicable to the news media and any other means which are calculated to bring its contents to the attention of the general public. For a gubernatorial proclamation of a state of emergency or state of preparedness, the Governor shall provide a copy of the executive order to the President of the Senate, the Speaker of the House of Delegates, and the Joint Committee on Government and Finance.

(g) Under a duly proclaimed state of emergency or state of preparedness, the Governor has the following additional powers which are intended to be construed to authorize actions which are consistent with constitutional or statutory law, or with final orders of those courts of competent jurisdiction to which the Governor is subject:

(9) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles: but notincluding firearms, ammunition, components of ammunition, or ammunition-reloading equipment and supplies;

(j) During any state of preparedness or state of emergency proclaimed at any time, an executive order of the Governor may not:

(1) Close churches or other houses of worship or prevent their operation in any manner that is more restrictive than the least restrictive provisions in place for the operation of the most essential facilities of government or private enterprise.

(2) Suspend or limit the lawful sale, lawful transfer, or lawful transportation of firearms, ammunition, components of ammunition, or ammunition-reloading equipment and supplies;

2023 SB 128

§15-5-19A. Possession of Firearms During a Declared State of Emergency.

(a) Notwithstanding any other provision of law to the contrary, the transport, storage, transfer, sale, commerce in, import and export of, distribution, repair, maintenance, and manufacture of firearms, ammunition, and related accessories and components, and other goods and services directly related to lawful firearm possession, use, storage, repair, maintenance, and training in the use of firearms, are declared to be "essential" businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or emergencies of whateve kind or nature.

(b) Except as provided in this section, no state agency, political subdivision, or any elected or appointed official or employee thereof, may, under any governmental authority or color of law exercised as part of any statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or as part of any federal or state declared state of emergency or preparedness of whatever kind or nature:

(1) Prohibit or restrict the otherwise lawful possession, use, carrying, transfer, transportation, storage, sale, display, or other lawful use of a firearm or ammunition, any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or personal weapons other than firearms;

(2) Seize, confiscate, or authorize the seizure or confiscation of any otherwise lawfully possessed firearm or ammunition, any firearm or ammunition component or accessory ammunition reloading equipment and supplies, or otherwise lawful personal weapons other than firearms unless:

(A) The person acting on behalf of or under the authority of the state, a county, or municipality is

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

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

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

(3) Require registration of any firearm or ammunition, any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or otherwise lawful personal weapons other than firearms;

(4) Suspend or revoke a license to carry a concealed deadly weapon or provisional licenseto carry a concealed deadly weapon issued pursuant to §61-7-1 et seq. of this code except as expressly authorized in that article;

(5) Willfully refuse to accept an application for a license to carry a concealed deadly weapon or provisional license to carry a concealed deadly weapon, provided the application has been properly completed in accordance with §61-7-1 et seq. of this code;

(6) Close or limit the operating hours of any entity engaged in the lawful selling or servicing of any firearm, including any component or accessory, ammunition, ammunition reloading equipment and supplies, or personal weapons other than firearms;

(7) Close or limit the operating hours of any indoor or outdoor shooting range; or any entity engaged in providing firearms safety training or firearms safety instructor courses, classes, or programs;

(8) Place restrictions or quantity limitations on any entity regarding the lawful sale or servicing of any firearm or ammunition, any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or personal weapons other than firearms; or

(9) Suspend, restrict, or prohibit otherwise lawful hunting or fishing activities

(c) The prohibitions of §15-5-19a(b)(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.

(d)(1) If a license to carry a concealed deadly weapon or provisional license to carry a concealed deadly weapon has been issued to a person pursuant to §61-7-4 of this code, and if the date that the valid and subsisting license would or is scheduled to expire falls within the period of emergency declared by the Governor's executive order or the 14 days immediately preceding that declaration, then, notwithstanding the date of scheduled expiration, the duration of that license is automatically extended for a period of 60 days commencing from the date of the license's scheduled expiration or 30 days commencing from the termination of the state of emergency, whichever is later.

(2) If §15-5-19a(d)(1) of this subsection applies with respect to a license to carry a concealed deadly weapon or provisional license to carry a concealed deadly weapon, then during the extension period described in that section that is applicable to that license, all of the following apply:

(A) The license shall be valid for all purposes under the laws of this state and the person to whom the license was issued shall be considered for all purposes under the laws of this state to be the holder of a valid license to carry a concealed handgun;

(B) The license remains subject to the operation of §61-7-1, et seq., of this code during the extended period of the license and at any other time; and

(C) Except for the date of scheduled expiration, all other conditions, and restrictions otherwise applicable to the license and the license holder continue to apply during the extended period of the license and at any other time.

(e) This section shall not apply to the following:

(1) The authority of a chief administrative officer of a political subdivision with police powers to prohibit the sale, offering for sale, dispensing, or transportation of firearms or other dangerous weapons, ammunition, dynamite, or other dangerous explosives in, to, or from a cordoned-off area when engaged in suppressing a riot or when there is a clear and present danger of a riot as that term is delineated in §15-1D-1 et. seq. of this code;

(2) The ability of a law-enforcement officer to remove firearms or ammunition from any person pursuant to other lawful authority: Provided, That before releasing the individual, the law- enforcement officer shall return to the individual any seized firearms and ammunition, and components thereof, and any firearms accessories and ammunition-reloading equipment and supplies, unless:

(A) The officer takes the individual into physical custody for engaging in criminal activity or for observation; or

(B) Seizes the items as evidence pursuant to an investigation for the commission of a crime; or

(3) A zoning ordinance that specifies the hours of operation or the geographic areas where the commercial sale of firearms, firearm components, or ammunition for firearms may occur: Provided, that the zoning ordinance is consistent with the provisions of §8-12-5a(h)(2) of this code.

(f)(1) Any individual, person, group, or entity adversely affected by a violation of this section, or by any manner of law, ordinance, rule, regulation, resolution, practice, or other action enacted or enforced in violation of the provisions of this section, may seek relief in an action at law or in equity for damages, injunctive relief, declaratory relief, or other appropriate redress against any state agency, county, municipality, or other political subdivision of this state, or against any elected or appointed official or employee of this state, a county, municipality or any other political subdivision of this state, that subjects the individual, or causes the individual, to be subjected, to an action prohibited by this section.

(2) Such suit may be filed:

(A) In the court having jurisdiction over the county in which the aggrieved person resides, or group or entity is located, or in which the violation occurred; or

(B) In the case of an action by the state or any state agency, in the circuit court of Kanawha County.

(g) In addition to any other remedy at law or in equity, an individual who is adversely affected by the seizure or confiscation of any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or otherwise lawful personal weapons other than firearms in violation of this section:

(1) May bring an action for the return of the seized or confiscated property in the circuit court of the county in which that individual resides or in which the seized or confiscated property is located and, except where those weapons have been seized as part of a lawful arrest as provided in §15-5-19a(d)(2), that court shall order the immediate return of the items by the seizing or confiscating governmental office and that office's employed officials; and

(2) That individual shall also be entitled to recover a civil penalty for damages, in the amount of $5,000 per violation, against any person who violates the seizure or confiscation restrictions in this section.

(3) A prevailing plaintiff in an action brought under §15-5-19a(f) or §15-5-19a(g) is also entitled to recover the following:

(A) Actual damages, including consequential damages;

(B) Court costs and fees; and

(C) Reasonable attorney's fees.

(4) And, any award to a prevailing plaintiff under the provisions of §15-5-19a(f) or §15-5-19a(g) may be awarded regardless of whether the law, ordinance, rule, regulation, resolution, practice, or action or the manner of its enforcement is repealed or rescinded, or, expires after the civil action was filed but prior to a final court determination of the action. SB 270 2025

§15-5-19. Unorganized Militia.

The unorganized militia shall, at the call of the Governor, be available for duty with the emergency service forces of this state. For purposes of this article, the unorganized militia shall consist of all able-bodied men and women between the ages of sixteen and fifty. SB 3 1073

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.

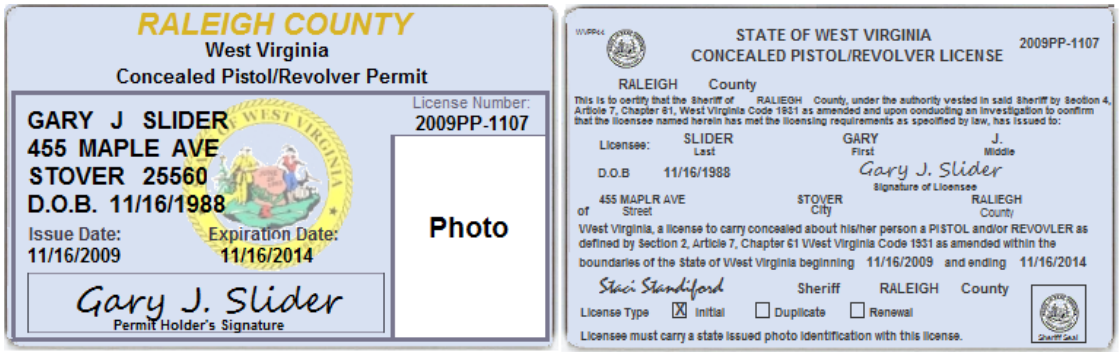
West Virginia 18 Y/O §61-7-8

This is the minimum age for possessing and transporting a handgun loaded or unloaded and secured in a vehicle without any type of permit/license to carry firearms. **(See Permitless Carry Section)**

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



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

115 Links*

Archive of Previous Updates 4

7/1/2025 – §15-5-19A "Declared State of Emergency Updated in Notes Section " per SB 270. All Links Checked.
10/15/2025 – All External Links, Statutes and Admin Rules Quoted Have Been Checked and are up to Date and Point to the Most Up to Date Published Edition of that Statute/Admin Rule and/or Document.
1/20/2026 - All Links Checked and Repaired if Needed. On This Date All Statutes Quoted Checked and are Latest Version of That Statute.
1/20/2026 - All Links Checked and Repaired if Needed. On This Date All Statutes Quoted Checked and are Latest Version of That Statute.
3/20/2026 - All Links Checked and Repaired if Needed. On This Date All Statutes Quoted Checked and are Latest Version of That Statute.
6/12/2026 – West Virginia Law Know Allows Those 18 to 20 Carry under Permitless Carry. All Links Checked.
9/5/2026 - All Links Checked.