

On The Mark:

A Guide to Concealed Weapons
Laws of West Virginia

West Virginia Attorney General
State Capitol Complex
1900 Kanawha Blvd, East
Building 1 Room E-26
Charleston, WV 25305



From the Office of
Darrell McGraw
West Virginia Attorney General

Consumer Protection Hotline
1-800-368-8808

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Message from the Attorney General



Fellow West Virginians:

My office has prepared this booklet to assist you in learning about West Virginia concealed weapons law and where in the country your West Virginia license is recognized.

As laws are subject to change, up-to-date information is available on our website www.wvago.gov.

Please remember that firearms law is not governed solely by West Virginia law. You must comply with federal laws and regulations, not all of which are contained in this booklet.

Concealed handgun licenses are issued by the county sheriff’s office in each county. A list of those offices is contained herein.

Sincerely,

Darrell McGraw
West Virginia Attorney General

License to Carry a Concealed Handgun

A person who wishes to carry a concealed handgun must obtain a license. A license is not required for a person to own a handgun, keep it in his or her home, place of business or other real property. No license is necessary to visibly carry a handgun if the person may lawfully possess a firearm.

Licenses to carry a concealed handgun may be obtained from the sheriff of the county in which the applicant is a resident.

Carrying a concealed handgun without a license is a misdemeanor punishable by incarceration for up to one year and a fine of one hundred to one thousand dollars for a first offense. A second conviction is a felony punishable by incarceration for not less than one nor more than five years and a fine of not less than one thousand nor more than five thousand dollars. W. Va. Code § 61-7-3. Federal law creates exemptions from state concealed carry weapons (CCW) laws for active and certain retired law enforcement officers. Copies of those statutes in effect as of the date of this booklet's publication (August 2009) are contained herein.

An applicant for a concealed handgun license must complete an application form. The fees associated with a license application are \$75.00 payable to the sheriff's office and \$15.00 to the West Virginia State Police for the criminal background check. One may often obtain a laminated wallet size copy of the license through the sheriff's office. Fees for this vary. State law requires the possession of one's license when carrying a concealed handgun.

The West Virginia State Police strongly recommend that if one does not have a concealed handgun permit, all weapons transported in a motor vehicle should be unloaded with the ammunition stored separately.

Lastly, West Virginia law requires that hunting weapons being transported in a vehicle be unloaded and in cases.

Obtaining a West Virginia Concealed Handgun License

An applicant for a concealed handgun license must meet the following requirements:

- Must be 21 years of age or older and a resident of the county of application and if a foreign national, must be a legal alien.
- Must not be prohibited from possessing a firearm by federal law. This law, 18 U.S. Code § 922(g), prohibits the following persons from possessing a firearm:
 - one convicted of a felony;
 - a fugitive from justice;
 - an unlawful user of, or one addicted to, any controlled substance as defined in section 102 of the Controlled Substance Act (21 U.S. Code § 802);
 - one who has been adjudicated as a mental defective or who has been committed to a mental institution;
 - one who has been discharged from the Armed Forces under dishonorable conditions;
 - one who has been convicted of the misdemeanor crime of domestic violence or who is the subject of a court order that restrains the person from harassing, stalking or threatening certain persons and includes a finding that such person represents a credible threat to another's physical safety. (18 U.S. Code § 922g(8)).
- Must not have been convicted of a misdemeanor offense of assault or battery in which the victim was a person described in West Virginia Code § 61-7-4(a)(6);
- Must not be addicted to alcohol and /or illegal use of a controlled substance.
- Must not be under indictment for a felony offense or currently serving a sentence of confinement, parole, probation or other court-ordered supervision;
- Must not be the subject of an emergency or temporary or final domestic violence protective order entered by a court of any jurisdiction described in West Virginia Code § 61-7-4(a)(7);
- Must be physically and mentally competent to carry such weapon and has not been adjudicated mentally incompetent;
- Must have completed a training course in handling and firing a handgun.

The sheriff has 45 days from the date of application in which to act on the application.

You may obtain a downloadable application for a West Virginia concealed weapons permit by going to the Attorney General's office website at www.wvago.gov and click on on the "Handgun Reciprocity" link.

Handgun Reciprocity

As of the date of this booklet (August 2009) West Virginia has handgun reciprocity agreements with the states of Alaska, Arizona, Arkansas, Florida, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Oklahoma, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah and Virginia. My office continues to work with other states to reach additional agreements.

The terms of the reciprocity agreements allow West Virginia resident concealed weapons licensees to carry concealed weapons in the reciprocating states.

A licensee of the reciprocating states who is 21 years of age or older who has in his or her possession a valid concealed handgun license or permit may also carry concealed weapons in West Virginia.

RECOGNITION

Current West Virginia law prohibits our recognizing handgun licenses from other states unless there is a reciprocity agreement in place. However, the laws of a number of states do allow recognition of other states' CCW licenses. As of the date of printing of this booklet we have received confirmation from the states of Indiana, Montana and Vermont that a West Virginia issued concealed handgun license is recognized in those states.

Our research indicates that Idaho and Kansas also recognize West Virginia CCW licenses but we have not yet received written confirmation of this.

Again, laws in West Virginia and elsewhere are subject to change, at least annually. To find the current state of the law, please check our website for up-to-date information on handgun reciprocity and recognition. www.wvago.gov/gunrecep.cfm.

NOTE:

It is very important to remember that when in another state, a West Virginia licensee is subject to the laws of that state relating to locations where firearms are restricted or limited. Please check with law enforcement in the state or states in which you will be traveling.

West Virginia and virtually every other jurisdiction require licensees to keep their licenses with them while carrying concealed handguns. Additionally, a number of jurisdictions require licensees to tell a law enforcement officer who questions or stops them if they are carrying a concealed weapon.

While West Virginia is an "Open Carry" state, only residents of West Virginia may do so.

Locations in West Virginia Where Firearms are Restricted or Forbidden

Firearms, concealed or otherwise, are by law not allowed in the following locations:

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 or operator.
3. Law enforcement offices or stations.
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 school building, property or grounds or any school bus or conveyance. W. Va. Code § 61-7-11(a).

Provisions of Federal Law Exempting Active and Certain Retired Law Enforcement Officers

18 U.S.C. § 926A. Interstate transportation of firearms

Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, That in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

18 U.S.C. § 926B. Carrying of concealed firearms by qualified law enforcement officers

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

(b) This section shall not be construed to supersede or limit the laws of any State that—

- (1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
- (2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

(c) As used in this section, the term “qualified law enforcement officer” means an employee of a governmental agency who—

- (1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;
- (2) is authorized by the agency to carry a firearm;
- (3) is not the subject of any disciplinary action by the agency;
- (4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
- (5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (6) is not prohibited by Federal law from receiving a firearm.

(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.

(e) As used in this section, the term “firearm” does not include—

- (1) any machinegun (as defined in section 5845 of the National Firearms Act);
- (2) any firearm silencer (as defined in section 921 of this title); and
- (3) any destructive device (as defined in section 921 of this title).

18 U.S.C. § 926C. Carrying of concealed firearms by qualified retired law enforcement officers

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

(b) This section shall not be construed to supersede or limit the laws of any State that—

- (1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
- (2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

(c) As used in this section, the term “qualified retired law enforcement officer” means an individual who—

- (1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;
- (2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
- (3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or
 - (B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
- (4) has a nonforfeitable right to benefits under the retirement plan of the agency;

(5) during the most recent 12-month period, has met, at the expense of the individual, the State’s standards for training and qualification for active law enforcement officers to carry firearms;

(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) is not prohibited by Federal law from receiving a firearm.

(d) The identification required by this subsection is—

(1) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

(2)(A) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; and

(B) a certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

(e) As used in this section, the term “firearm” does not include—

- (1) any machinegun (as defined in section 5845 of the National Firearms Act);
- (2) any firearm silencer (as defined in section 921 of this title); and
- (3) a destructive device (as defined in section 921 of this title).

Frequently Asked Questions

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

A: Yes. Any person who intends to carry a concealed handgun must obtain a license to do so. Concealed deadly weapons include pistols, revolvers, and other types of handguns and firearms.

The only persons exempt from State licensing requirements are: current law enforcement officers; certain retired law enforcement officers meeting federal requirements (see p8) on-duty correctional officers; on-duty members of the armed forces or National Guard; and certain judicial officials and employees.

Q: How long is a concealed handgun license valid?

A: Five years from the date of issuance, unless sooner revoked. Licenses are valid throughout the state during the five year period.

Q: What do I do if my concealed weapons license has expired?

A: You must apply to the sheriff for renewal of your license and pay the applicable fees. Provided all licensure requirements are met, the sheriff will issue you a new license. The training course requirements are waived for renewal applicants who previously qualified. HB 3314 (2009) requires the sheriff to act on renewals within 45 days.

Q: What if my license is revoked?

A: Your license will be revoked if you violate or become unable to meet any of the licensing application requirements. You must immediately surrender your license to the issuing sheriff when you become ineligible for continued licensure.

Q: What should I do if my license is lost or destroyed?

A: You may obtain a duplicate or substitute license for a fee of \$5.00 by filing a notarized statement with the issuing sheriff indicating that your license has been lost or destroyed.

Q: Must a West Virginia resident have a West Virginia License to carry a concealed weapon in West Virginia?

A: Yes.

Q: Where can I apply for a concealed deadly weapons license?

A: At the office of the sheriff in your county of residence. A list of sheriff's offices is in this booklet.

Q: How much does a license cost?

A: You pay \$75.00 to the sheriff at the time you apply. If your application is approved, you pay an additional \$15.00 prior to issuance of the license for the State Police background check.

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

A: Before filing your concealed weapons licensing application, you must present evidence that you have successfully completed one of the following training courses: 1) Any NRA (National Rifle Association) handgun safety or training course; 2) Any handgun safety or training course available to the public through an official law enforcement organization or an educational institution; 3) Any handgun safety or training course conducted by an instructor certified by the State or by the NRA; 4) Any handgun safety or training course conducted by the U.S. military, reserves, or National Guard.

An applicant must present a photocopy of a certificate of course completion, an affidavit from the instructor, or some other document which verifies successful training course completion in order to obtain a license.

West Virginia County Sheriffs' Offices

John W. Hawkins Barbour County Sheriff 8 North Main Street Philippi, WV 26416 (304) 457-2881	Kenneth Lemaster, Jr. Berkeley County Sheriff 802 Emmett Rousch Drive, Suite C Martinsburg, WV 25401 (304) 267-7000	Rodney Miller Boone County Sheriff 200 State Street Madison, WV 25130 (304) 369-7390
George L. Keener Braxton County Sheriff Post Office Box 546 Sutton, WV 26601 (304) 765-2838	Richard Ferguson Brooke County Sheriff 632 Main Street Wellsburg, WV 26070 (304) 737-3660	T.W. McComas Cabell County Sheriff 750 Fifth Avenue, Room 101 Huntington, WV 25701 (304) 526-8664
Alan Parsons Calhoun County Sheriff Post Office Box 340 Grantsville, WV 26147 (304) 354-6333	Randy Holcomb Clay County Sheriff P.O. Drawer 429 Clay, WV 25043 (304) 587-4260	Worthy C. Underwood Doddridge County Sheriff Post Office Box 219 West Union, WV 26456 (304) 873-1000
Steve Kessler Fayette County Sheriff Post Office Box 509 Fayetteville, WV 25840 (304) 574-4216	Mickey Metz Gilmer County Sheriff 10 Howard Street Glenville, WV 26351 (304) 462-7441	Emory W. Feaster, Jr. Grant County Sheriff 5 Highland Avenue Petersburg, WV 26847 (304) 257-1818
James W. Childers Greenbrier County Sheriff Post Office Box 347 Lewisburg, WV 24901 (304) 647-6678	Nathan Sions Hampshire County Sheriff 66 North High Street, Room 2 Romney, WV 26757 (304) 822-3894	Mike White Hancock County Sheriff Post Office Box 458 New Cumberland, WV 26047 (304) 564-3911
Robert Ferrell Hardy County Sheriff Post Office Box 643 Moorefield, WV 26836 (304) 530-0222	Albert Marano Harrison County Sheriff 301 West Main Street Clarksburg, WV 26301 (304) 624-8550	Michael Bright Jackson County Sheriff Post Office Box 106 Ripley, WV 25271 (304) 373-2290
Robert E. Shirley Jefferson County Sheriff 116 East Washington Street Charles Town, WV 25414 (304) 728-3200	Mike Rutherford Kanawha County Sheriff Post Office Box 75087 Charleston, WV 25375 (304) 357-0216	Michael R. Gissy Lewis County Sheriff Post Office Box 150 Weston, WV 26452 (304) 269-8251
Jerry Bowman Lincoln County Sheriff Post Office Box 467 Hamlin, WV 25523 (304) 824-7999	W. Eddie Hunter Logan County Sheriff 300 Stratton Street, Room 209 Logan, WV 25601 (304) 792-8590	Joe Carpenter Marion County Sheriff Post Office Box 1348 Fairmont, WV 26555 (304) 367-5300
John Gruzinskas Marshall County Sheriff 601 6th Street Moundsville, WV 26041 (304) 843-1500	David Anthony Mason County Sheriff 200 6th Street Point Pleasant, WV 25550 (304) 675-3838	Danny Mitchell McDowell County Sheriff 90 Wyoming Street, Suite 117 Welch, WV 24801 (304) 436-8541

Danny R. Wills Mercer County Sheriff 1501 Main Street, Suite 120 Princeton, WV 24740 (304) 487-8389	Craig A. Farley Mineral County Sheriff 100 East Street Keyser, WV 26726 (304) 788-0441	Lonnie Hannah Mingo County Sheriff Post Office Box 1270 Williamson, WV 25661 (304) 235-0300
Al Kisner Monongalia County Sheriff 155 Chancery Row Morgantown, WV 26505 (304) 291-7260	Mike Gravely Monroe County Sheriff Post Office Box 350 Union, WV 24983 (304) 772-3018	Vincent Shambaugh Morgan County Sheriff 1260 Valley Road Berkeley Springs, WV 25411 (304) 258-1067
Wetzel Bennett Nicholas County Sheriff 700 Main Street, Suite 3 Summersville, WV 26651 (304) 872-9611	Patrick Butler Ohio County Sheriff Post Office Box 188 Wheeling, WV 26003 (304) 234-3784	Kevin Puffenberger Pendleton County Sheriff Post Office Box 687 Franklin, WV 26807 (304) 358-2214
Ted Maston Pleasants County Sheriff 305 Barkwill Street St. Marys, WV 26170 (304) 684-5588	David Jonese Pocahontas County Sheriff 900A Tenth Avenue Marlinton, WV 24954 (304) 799-4710	Dallas Wolfe III Preston County Sheriff 103 W. Main Street Kingwood, WV 26537 (304) 329-1611
Mark Smith Putnam County Sheriff 3389 Winfield Road Winfield, WV 25213 (304) 586-0256	Steve Tanner Raleigh County Sheriff 215 Main Street Beckley, WV 25801 (304) 255-9195	Jack Roy, Jr. Randolph County Sheriff Post Office Box 1338 Elkins, WV 26241 (304) 636-2100
Brian Backus Ritchie County Sheriff 109 North Street Harrisville, WV 26362 (304) 643-2262	Mikel A. Harper Roane County Sheriff 200 Main Street Spencer, WV 25276 (304) 927-2540	Ed Dolphin Summers County Sheriff Post Office Box 157 Hinton, WV 25951 (304) 466-7111
Robert Beltner Taylor County Sheriff Post Office Box 189 Grafton, WV 26354 (304) 265-3428	Thomas D. Felton Tucker County Sheriff 318 Second Street Parsons, WV 26287 (304) 478-2321	Earl P. Kendle, Jr. Tyler County Sheriff 121 Court Street Middlebourne, WV 26149 (304) 758-4229
Virgil Miller Upshur County Sheriff 38 W. Main Street Rm 103 Buckhannon, WV 26201 (304) 472-1185	Greg Farley Wayne County Sheriff 700 Hendricks Street Wayne, WV 25570 (304) 272-6378	Jerry Hamrick Webster County Sheriff 2 Court Square, Rm. G-3 Webster Springs, WV 26288 (304) 847-2006
James Hoskins Wetzel County Sheriff Post Office Drawer D New Martinsville, WV 26155 (304) 455-2430	Dr. Keith Wilson, Jr. Wirt County Sheriff Post Office Box 669 Elizabeth, WV 26143 (304) 275-4222	Jeff Sandy Wood County Sheriff 328 Second Street Parkersburg, WV 26101 (304) 424-1834
Randall Aliff Wyoming County Sheriff Post Office Box 529 Pineville, WV 24874 (304) 732-8000		

