

NRA-ILA

INSTITUTE for LEGISLATIVE ACTION

West Virginia HB 4145

House Bill 4145 recognizes that self-defense situations are difficult, if not impossible, to anticipate. A law-abiding individual's ability to exercise his or her fundamental right to self-defense should not be conditioned by government-imposed time delays and taxes. *HB 4145 will go into effect on May 24, 2016.*

Frequently Asked Questions

➤ **Question:** *What exactly does HB 4145 do?*

Answer: House Bill 4145 makes *three* major changes to the West Virginia Code.

First, it allows a law-abiding adult to lawfully possess a concealed weapon without a Concealed Handgun License (CHL) if he or she is: (1) at least twenty-one years of age; (2) a United States citizen or legal resident of the United States; and (3) not prohibited from possessing a firearm under state or federal law.

Second, it creates *enhanced penalties* for the possession of a concealed weapon *by an individual who is prohibited from possessing a firearm*. If a criminal, illegal alien, alcohol or drug addict, or mentally ill individual unlawfully possesses a concealed weapon, he or she will be charged with an *additional felony* that is punishable by up to three years in prison. If a violent criminal or convicted drug dealer unlawfully possesses a concealed weapon, he or she will be charged with an *additional felony* that is punishable by up to five years in prison. If a criminal uses or presents a firearm during the commission of a felony, he or she will be charged with an *additional felony* that is punishable by up to ten years in prison.

Third, it creates an avenue by which law-abiding, trained 18-20 year olds may obtain a less expensive, provisional CHL. These individuals will be required to undergo a background check and take a "training course in firing and handling a handgun, which includes the actual live firing of ammunition." These individuals can open carry in West Virginia, serve in our military, work in law enforcement, and even serve in public office, yet they were previously restricted in exercising their fundamental right to self-defense.

➤ **Question:** *Will HB 4145 lead to an increase in firearm accidents or misuse because government-mandated training is no longer required in order for law-abiding adults to carry a concealed weapon?*

Answer: While firearm training is *always* encouraged, data indicates that there is *no direct correlation* between government-mandated, minimum training for CHLs and an increase in firearm misuse or accidents. All gun owners should seek the training that best suits their needs, whether that training comes from a friend, family member, or licensed firearm instructor. In fact, several states—including Indiana and Pennsylvania—do not require individuals to undergo government-mandated firearm training in order to carry a concealed firearm for self-defense.

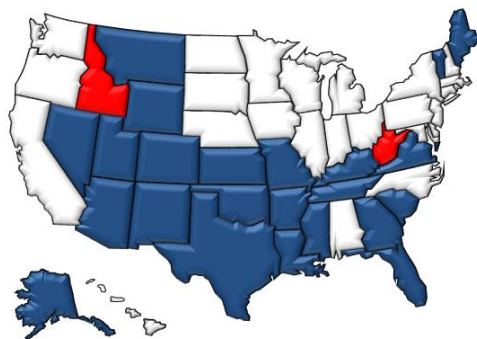
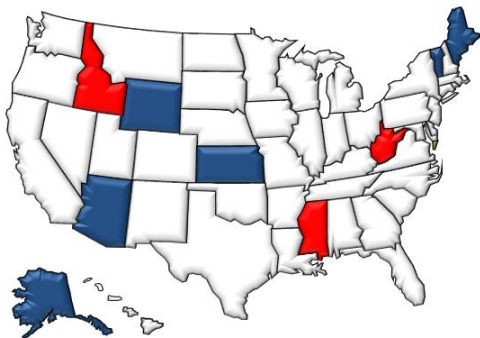
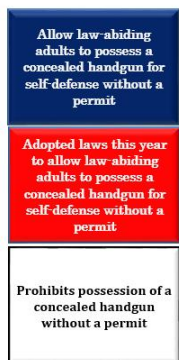
Furthermore, for over a century, West Virginia law has recognized the right to openly carry a firearm without a CHL or government-mandated training.

- **Question:** *How many other states allow law-abiding adults to carry a concealed weapon without a government-issued permit?*

Answer: Vermont, Alaska, Arizona, Wyoming, Kansas, Maine, and Mississippi currently allow law-abiding individuals to carry a concealed handgun without a government-issued permit. This year, West Virginia and Idaho passed “permitless/constitutional carry” legislation that will take effect this summer. Additionally, twenty-five (25) states—including Virginia, Kentucky and Tennessee—allow law-abiding individuals to possess a concealed handgun in their vehicle for self-defense, without a government-issued permit.

Concealed Handguns in Vehicles

“Permitless/Constitutional” Carry States



- **Question:** *Will HB 4145 “dismantle” or eliminate West Virginia’s existing concealed weapon licensing system?*

Answer: No. West Virginia’s existing standard Concealed Handgun License is left fully intact. As a result, law-abiding West Virginians will still be able to avail themselves of the benefits that a CHL provides; including concealed carry reciprocity with other states and NICS exemption.

- **Question:** *Will HB 4145 allow individuals to carry concealed weapon in schools or on college and university campuses without a permit.*

Answer: No. If an individual was prohibited from possessing a firearm in a certain location by statute or regulation, they are still prohibited from possessing a firearm in that location.

- **Question:** *I heard that law enforcement was universally opposed to HB 4145, is that true?*

Answer: No. While the West Virginia Sheriffs Association and other law enforcement groups did oppose HB 4145, the opposition among law enforcement was not universal. In other states, law enforcement organizations have actively supported similar legislation. This year, the Idaho Sheriffs Association and the Idaho Fraternal Order of Police (FOP) **supported** nearly the exact same legislation as it progressed through the legislature. In a letter to the legislature the Idaho FOP stated, “law abiding, mentally sound and responsible gun owners are our partners in keeping crime rates low....”

Furthermore, in the states that have passed similar legislation, law enforcement officers who initially opposed “permitless/constitutional” carry legislation have admitted that their concerns never materialized. Wyoming Sheriff, Jim Whalen, of Teton County, has stated, “Wyoming’s Legislature passed constitutional carry in 2011. Prior to passing the legislation, I had officer safety concerns and public safety concerns. However, my concerns have been allayed over the last few years as we have not experienced increased gun crimes or assaults on deputies.”