

## West Virginia State Constitution

### **Art. III, § 22 Right to keep and bear arms.**

A person has the right to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use.

No license is necessary to visibly carry a holstered handgun, in the open (in plain sight) if the person may lawfully possess a firearm.

A person who wishes to carry a concealed handgun must obtain a "Concealed Pistol/Revolver Permit", commonly referred to as a Concealed Handgun License (CHL)

Any person who wants to obtain a permit to carry a concealed pistol or revolver shall apply to the sheriff of his or her county for the license.

### **States that honor West Virginia's CHL:**

AK\*, AZ\*, AR, DE, FL, ID, IN, IA, KS, KY, LA, MI, MS, MO, MT, NE, NV, NC, ND, OH, OK, PA, SC, SD, TN, UT, VT\*, VA, WV, WY

(\* Vermont (VT), Alaska (AK), Arizona (AZ); Anyone who can legally own a firearm can carry concealed or openly. No Permit/license required.)

*\*All West Virginia firearms laws noted in this pamphlet are provided only for your convenience. You are responsible to know and understand safety and the law before you carry a firearm.*

## Useful Resources and Links:

**West Virginia Citizens Defense League**  
[www.WVCDL.org](http://www.WVCDL.org)

**HandgunLaw.US**  
[www.HandgunLaw.us](http://www.HandgunLaw.us)

**OpenCarry.org**  
[www.opencarry.org](http://www.opencarry.org)

**West Virginia Legislature**  
<http://leg1.state.wv.us>

**West Virginia Attorney General Web Page**  
<http://www.wvago.gov>

**Gun Owners of America**  
<http://www.GunOwners.org>

**National Rifle Association**  
[www.NRA.org](http://www.NRA.org)

Notes:

**[www.OpenCarry.org](http://www.OpenCarry.org)**

A website and discussion forum dedicated to promoting the lawful open carrying of firearms.

# West Virginia Gun Laws



*"The great object is that every man be armed.  
Everyone who is able may have a gun."  
- Patrick Henry*

Created November 2011

## **Places Off-Limits While Carrying:**

- Grounds of any jail, state correctional facility, juvenile facility or juvenile detention center ([§ 61-5-8\(c\)](#))
- Primary or secondary school property and school-sponsored events ([§ 61-7-11a\(b\)](#))
- School buses ([§ 61-7-11a\(b\)](#))
- Courthouses ([§ 61-7-11a\(g\)](#))
- State Capitol Complex and the grounds outside the buildings ([§ 61-6-19\(b\)](#))
- Wherever signs are posted indicating weapon restrictions or notice has been given by other means. A person is not subject to the misdemeanor penalty provided for a violation of any such restriction unless that person refuses to leave or temporarily relinquish his or her weapon, upon being confronted about the violation. ([§ 61-7-14](#))
- City hall, Municipal Auditorium, Civic Center, all parks and recreation buildings and facilities, including recreation centers, playgrounds, swimming pools, dressing areas, tennis courts, parks and recreation areas and all other buildings, structures, facilities, and grounds, owned or occupied by the **City of Charleston** ([Charleston City Code § 78-165](#) --grandfathered under preemption)
- City Hall, municipal building, or public park in the **City of Dunbar** (Dunbar City Code § 545.13 --grandfathered under preemption)
- City building, park, or recreation area in the **City of South Charleston** ([South Charleston City Code § 545.15](#)--grandfathered under preemption)
- A building owned, leased or under the care, custody and control of the City of Martinsburg or any political subdivision of the **City of Martinsburg**. ([Martinsburg City Code § 545.14](#))



## **Other Things to Know:**

- The minimum age that one must be to be able to openly carry a firearm in West Virginia is 18 years old.
- You may carry concealed or openly in an establishments that sells and serves alcohol, such as bars and restaurants.
- Handguns on the seat or dashboard of a vehicle, in plain view, is legal.
- If being detained by law-enforcement in West Virginia, you do not have to inform them that you are carrying a firearm.
- Under the prohibition on carrying on school property, a person with a Concealed Handgun License cannot have a loaded gun in their car, even if that person only temporarily drives his or her vehicle onto school grounds with the intent of quickly leaving without exiting the vehicle. Many states have recognized the inherent problems with similar laws and have, in some states, completely exempted CHL holders from their gun-free school zone laws or, in many other states, created exemptions to allow CHL holders to legally carry and store loaded handguns in their vehicle while driving or parking on school property.
- The names, addresses, and other personally identifying information of all West Virginia concealed handgun licensees are public records.

## **To be licensed to carry concealed handguns in West Virginia, an applicant must meet the following qualifications:**

- Be at least 21 years of age or be at least 18 years of age and be employed in a job requiring the applicant to carry concealed handguns
- Be a resident of this state and of the county in which the application is filed
- Not be addicted to or an unlawful user of alcohol, controlled substances, or other drugs
- Not have been convicted of a felony
- Not have been convicted of a misdemeanor crime of violence involving the use of a deadly weapon
- Not have been convicted of a misdemeanor crime of domestic violence
- Not be currently subject to either a temporary or final domestic violence protective order
- Not be on probation or any other form of judicial supervision for any misdemeanor
- Not under indictment for any felony
- Not have been adjudicated mentally incompetent by any court
- Be physically and mentally competent to carry a concealed handgun; this provision is vague but has not led to known abuses
- Have successfully completed one of several specified forms of training in handling and