

**WEST VIRGINIA  
CITIZENS DEFENSE LEAGUE, INC.**

March 31, 2008

Commissioner Joseph Cicchirillo  
Division of Motor Vehicles  
Building 3, State Capitol Complex  
1800 Kanawha Boulevard East  
Charleston, WV 25317

Dear Commissioner Cicchirillo:

As the President of the West Virginia Citizens Defense League, I write to you today to request the removal of signs posted at the DMV's regional offices indicating that weapons are prohibited in those offices. WVCDL is a nonpartisan, nonprofit, all-volunteer, grassroots organization of concerned West Virginians who support our individual right to keep and bear arms.

Nearly 83,000 West Virginians currently have licenses to carry concealed handguns. West Virginia Code § 61-7-4 requires every applicant to complete a handgun safety course and pass a criminal background check administered by the county sheriff to ensure that the applicant is not disqualified from licensure. Furthermore, West Virginia law allows any adult who is not prohibited by § 61-7-7 (which parallels 18 U.S.C. § 922(g)) from possessing firearms to carry an unconcealed weapon without a license.

According to our research, there is no state law specifying any special restrictions or prohibitions on carrying weapons in the DMV's regional offices. The closest statute that we could find, West Virginia Code § 61-6-19(b), only applies to the State Capitol Complex. Other, site-specific restrictions the Legislature has enacted on where individuals may legally carry weapons, § 61-5-8 (jails, state correctional facilities, juvenile facilities, and juvenile detection centers) and § 61-7-11a (primary and secondary schools and courthouses), are clearly inapplicable to the DMV's regional offices. Therefore, we presume that these signs are posted pursuant to § 61-7-14, which authorizes any property owner, including a public agency, to restrict weapons on their premises.

Among West Virginia's surrounding states, only Ohio prohibits a person with a concealed handgun license from carrying a concealed handgun into an office of the DMV equivalent agency. See Ohio Revised Code § 2923.126(B)(9). Furthermore, although there has not yet been a court case on point, Ohio Revised Code § 9.68 (effective March 14, 2007), coupled with the applicability of § 2923.126(B)(9) only to *concealed* carry, appears to allow—and preempts any restriction on—open carry in an Ohio Bureau of Motor Vehicles office.

Although the current policy prohibiting weapons in the DMV's regional offices

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may be legal, we believe it is imprudent and should be reversed. West Virginia and federal law both provide a more than adequate array of laws under which individuals who misuse firearms can be criminally prosecuted regardless of whether the person might have been able to legally *carry* the weapon prior to misusing it. Furthermore, the penalties for offenses such as carrying a concealed weapon without a license (W.Va. Code § 61-7-3) or possession of a firearm by a prohibited person (W.Va. Code § 61-7-7; 18 U.S.C. § 922(g)) already exceed the penalty for violating a gun-free zone sign posted under W.Va. Code § 61-7-14.

So-called “gun-free zones” do nothing to protect the public from criminals intent on committing serious, violent crimes. In reality, they amount to nothing more than criminal protection zones where the naive get a false sense of security but criminals may actually be emboldened by the knowledge that law-abiding citizens will be disarmed and completely vulnerable to criminal activity with no means of self-defense readily available.

For these reasons, I respectfully request that you initiate the process of removing signs from all DMV offices located outside the State Capitol Complex prohibiting weapons in those offices. I would be willing to meet with you or other appropriate officials to discuss the merits of this request. Please let me know what you plan to do.

Sincerely,

James M. Mullins, Jr.

President