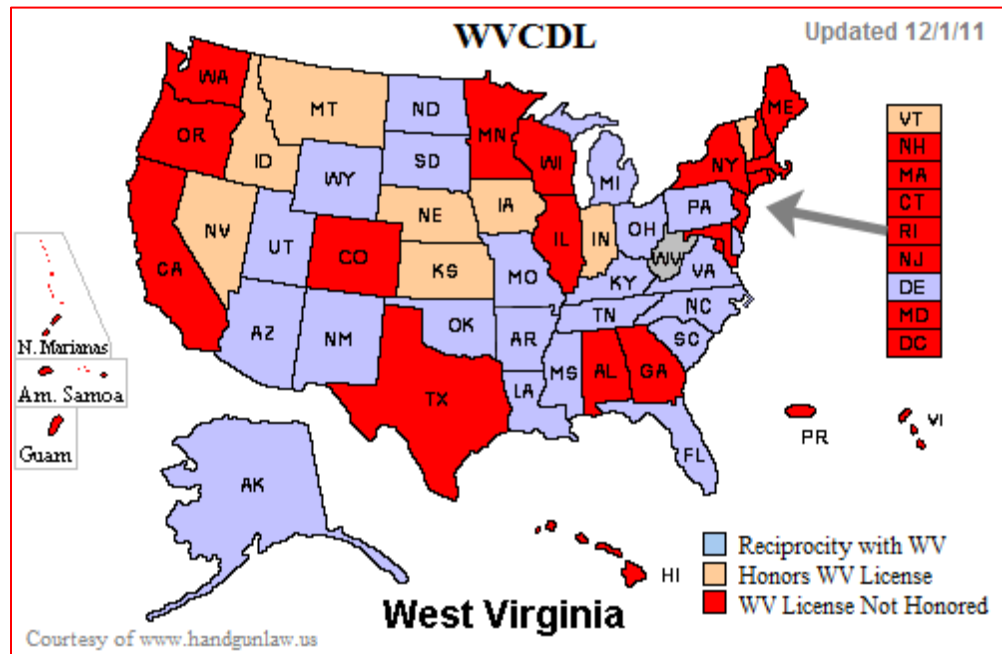


# West Virginia Citizens Defense League, Inc.

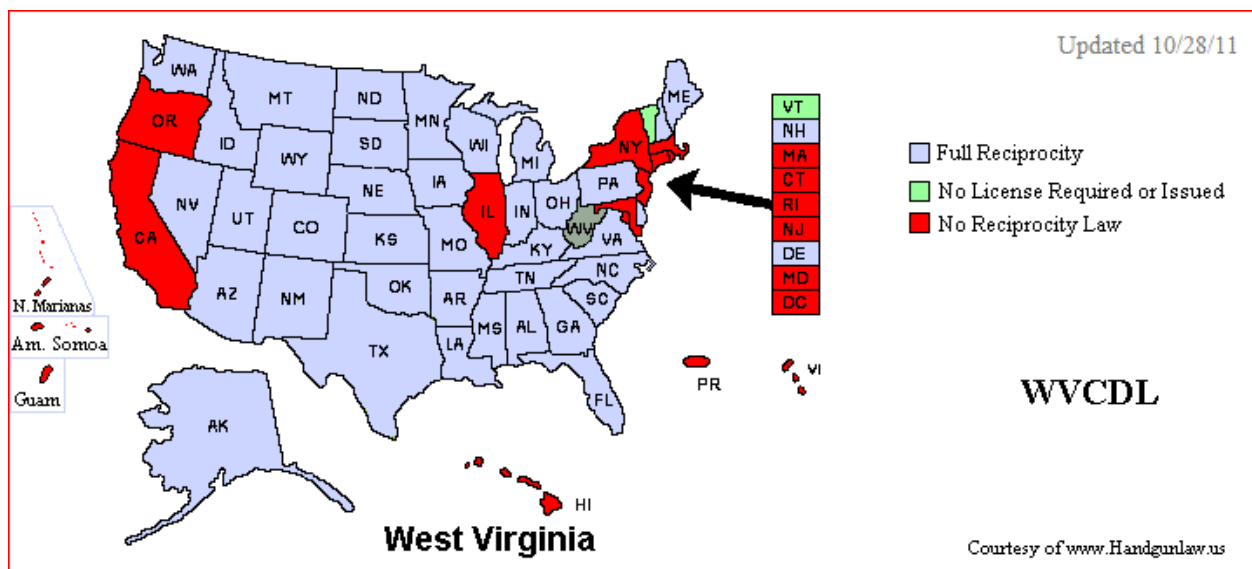
## West Virginia Concealed Weapons License Reciprocity

The following indicate the effect WVCDL's West Virginia Gun Owner Protection Act of 2012 is expected to have on West Virginia's concealed weapons license reciprocity with other states:

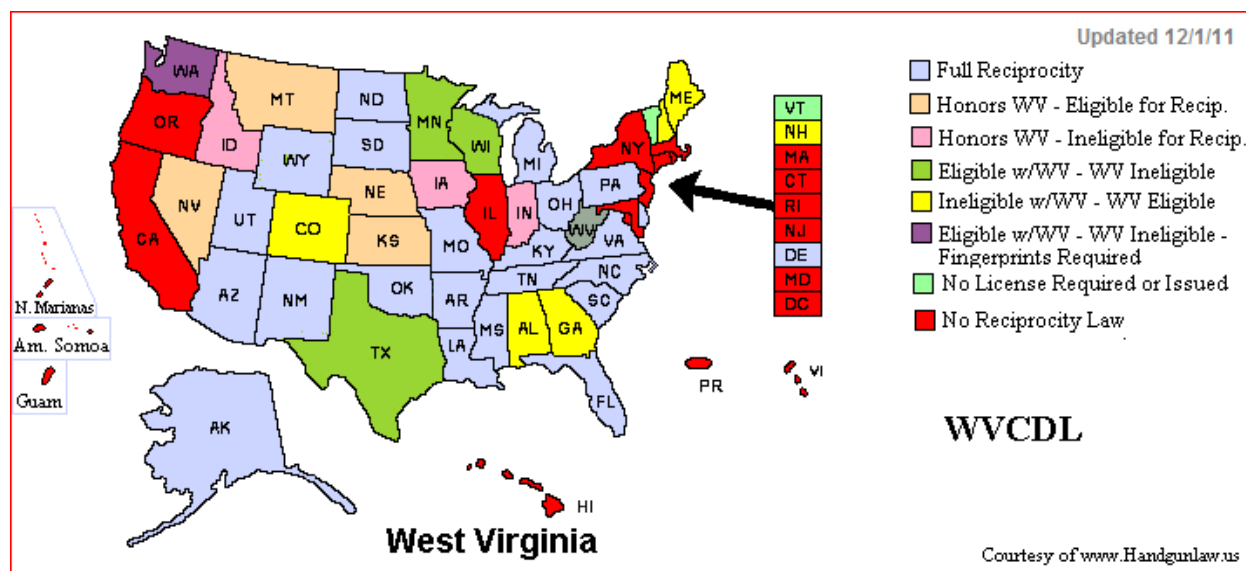
### Current Reciprocity:



### Likely Class 1 License Reciprocity if WVCDL's West Virginia Gun Owner Protection Act of 2012 is Enacted:



## Barriers to More Reciprocity:



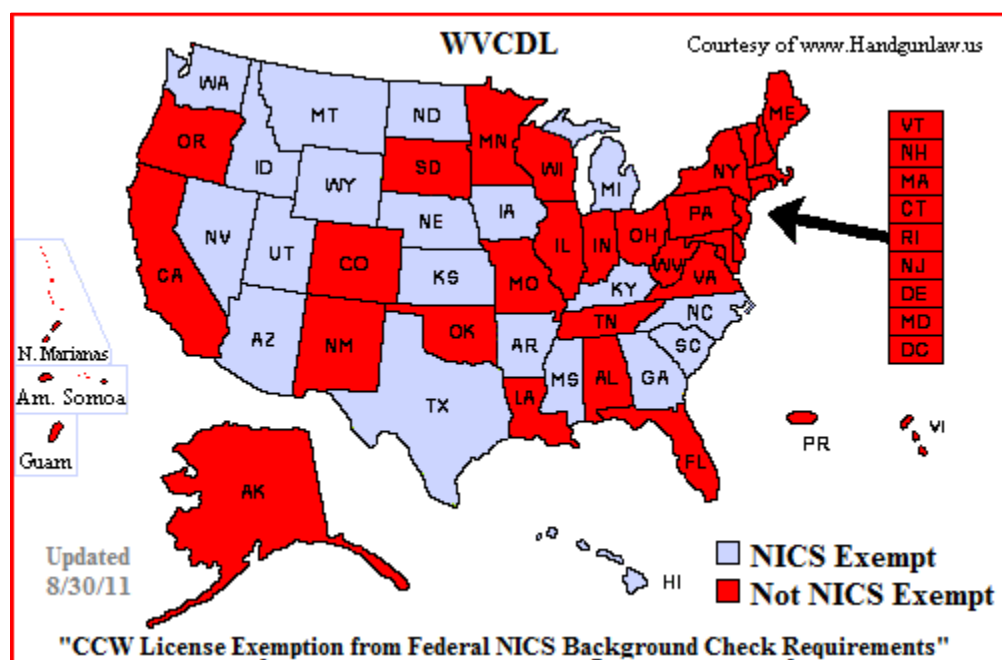
West Virginia faces several legal obstacles to establishing reciprocity with additional states.

The five states in yellow all have liberal “automatic” reciprocity statutes under which they will automatically establish reciprocity with any state willing to reciprocally honor their licenses. Under the laws of these states, West Virginia is eligible for reciprocity. However, under our reciprocity law (W.Va. Code § 61-7-6a), these states are ineligible to establish reciprocity with us. Currently, West Virginia is one of only three states that requires, as a condition of reciprocity, that a reciprocal state have a centralized license verification database, which is lacking in all 5 states in yellow. Second, West Virginia is one of only 2 states (along with Ohio) that specifically require a state to enter into a formal, written, reciprocity agreement to effect reciprocity. Colorado, Indiana, and Iowa do not enter into formal reciprocity agreement and instead achieve their respective reciprocity arrangements by operation of law, as every state except Ohio and West Virginia has less formal legal mechanisms for reciprocity.

The three states in dark green meet the requirements of West Virginia’s reciprocity law. However, for different reasons in each state, we do not meet their respective reciprocity requirements. Additionally, Washington meets West Virginia’s reciprocity requirements but Washington’s reciprocity statute limits reciprocity to states that require fingerprint-based criminal and mental health background checks of all applicants. While WVCDL would normally oppose adding a fingerprint requirement due to the increased time and cost it would add to the licensing process, based upon the recent success of a multi-class licensing law in North Dakota, WVCDL believes West Virginia can adopt a multi-class licensing system with similar success.

WVCDL’s West Virginia Gun Owner Protection Act of 2012 will eliminate the many barriers we currently face to expanded reciprocity and qualify West Virginia for reciprocity with every state that currently has some form of reciprocity law in effect. Correcting the deficiencies in West Virginia’s licensing criteria and procedures will have the dual benefit of addressing the next major licensing issue WVCDL wants addressed:

## CCW License Exemption from Federal NICS Background Check Requirement for Firearm Purchases or Transfers from FFLs

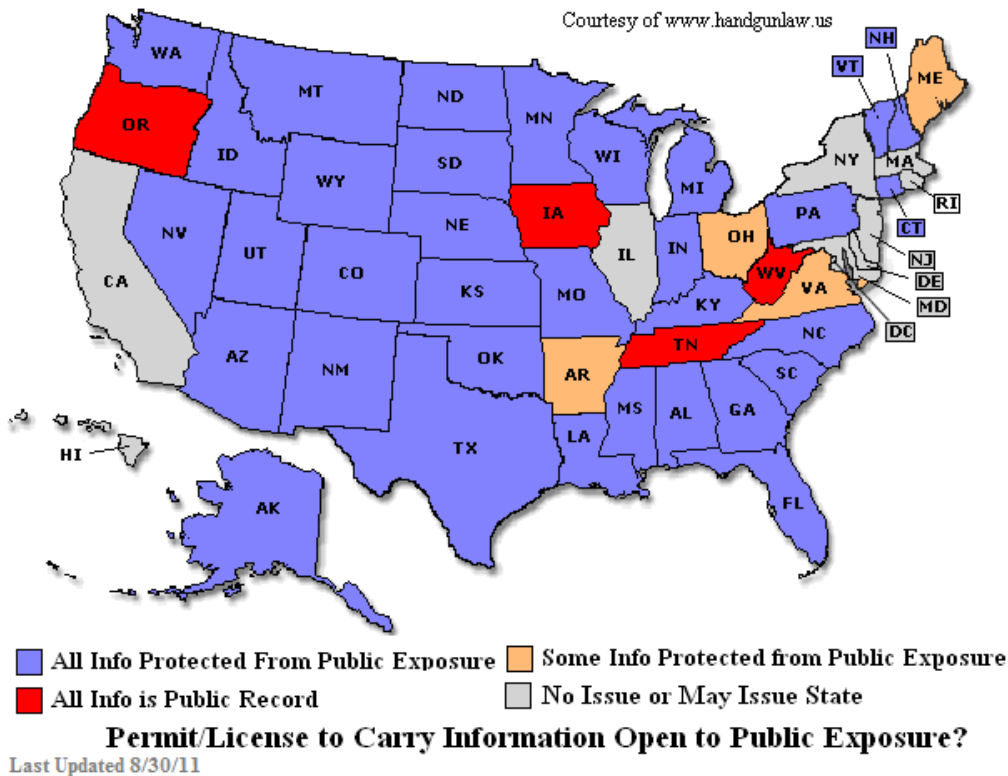


Under [18 U.S.C. § 922\(t\)\(3\)\(A\)](#), individuals who have handgun purchase permits (not required or issued in West Virginia) or concealed weapon permits are exempt from having to undergo a background check through the National Instant Criminal Background Check System before purchasing or receiving a firearm from a licensed firearm dealer if the issuing state follows specific background check procedures to verify that the person is not prohibited by law from possessing firearms.

West Virginia does not meet these requirements. Consequentially, West Virginia is not listed on the list of states whose concealed weapons licensees are NICS-exempt. This is also part of the reason West Virginia does not meet certain states' reciprocity eligibility requirements.

Qualifying West Virginia for this exemption is not difficult in practice. Primarily, we must require sheriffs to perform the same NICS checks as part of the licensing process as gun dealers must currently perform for all gun sales—which can be done online or by phone at no additional cost to the sheriffs or applicants. However, the necessary legislation to achieve this end is long and technical. WVCDL's West Virginia Gun Owner Protection Act of 2012 includes language that would meet the federal standards and overcome the current objections to reciprocity of Minnesota, Texas, and Wisconsin—all of which currently refuse reciprocity with West Virginia because they find our licensing criteria and procedures lacking.

**Confidentiality of License Records**



Currently, the overwhelming majority of states with nondiscretionary, “shall-issue” concealed weapon licensing laws protect the privacy of applicants and licensees by prohibiting public access to personally-identifying information about any individual applicant or licensee.

As a matter of public policy, WVCDL strongly believes individuals who apply for or have obtained concealed weapons licenses should have a right to privacy in their licensure status. Providing public access to licensing records exposes addresses of current and former law-enforcement officers, judges, prosecutors, and many other individuals (such as protected witnesses and crime victims) who have very sensitive personal security needs and need to keep their whereabouts secret from criminals and stalkers. Providing public access to licensing records also puts licensees in special danger of being targeted by burglars in search of guns, as it logically follows that most licensees own multiple guns and ammunition (of course, for some very obvious reasons, a criminal choosing this route would have to be very careful to ensure that he/she strikes while the intended victim’s home is unoccupied).

West Virginia is one of the last shall-issue states to allow public access to licensing records and is on the road to going from being *in* the minority to being *the* minority on this issue.

WVCDL’s West Virginia Gun Owner Protection Act of 2012 includes provisions closing public access to licensing records and establishing an annual statistical reporting requirement similar to laws in effect in many other states that will provide accurate and complete information pertinent to the licensing program without disclosing licensees’ personally-identifying information.