

BLACK SHIRT CHRONICLE

SUMMER 2023 | LEGISLATIVE RECAP



President's Pen

On behalf of the Board of Directors, I would like to welcome you to the Summer 2023 issue of the West Virginia Citizens Defense League's newsletter – The Black Shirt Chronicle. This newsletter will be sent in digital format to anyone on the WVCDL email list and will ultimately be published to our Facebook page twice a year. We hope to have it available at forthcoming events as well.

The Black Shirt Chronicle serves as a glimpse into who we are and what we do. Feel free to print this newsletter and distribute it to family and friends; hand it out to coworkers; or distribute it at gun shows or other events where we have a presence. What sets the West Virginia Citizens Defense League apart is its active, knowledgeable, and engaged membership. The Black Shirt Chronicle is not only a service to our membership but also a tool for their use in spreading the message. You all continue to amaze us, and we hope you enjoy this newsletter.

This summer issue of The Black Shirt Chronicle serves as a recap to yet another successful legislative session and outlines some new

changes to the West Virginia State Code. This issue also addresses changes to our website and membership procedures. A great deal of this issue of the newsletter will cover the details of the Campus Self Defense Act, which was signed into law by Governor Justice at a signing ceremony packed with dedicated WVCDL members.

We had a great turnout at our Lobby Day event this year and it had a huge impact. There is still much more work to be done in our mission to preserve, expand, and perpetuate the right to keep and bear arms in the State of West Virginia. Join us!

Finally, if you are not on our email list, please visit www.wvcdl.org and sign up now. Once you have checked us out, consider joining as a paid member and getting your own black shirt! You can also keep up to speed with us on our Facebook page – https://www.facebook.com/groups/WVCDL/

In liberty,

Ian T. Masters

President, WVCDL

Montani Semper Liberi

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LOBBY DAY 2023



ANOTHER SUCCESSFUL LOBBY DAY, ANOTHER SUCCESSFUL LEGISLATIVE SESSION

Lobby Day 2023 was a great success. The Sunday night before Lobby Day, WVCDL continued its tradition of having a Meet and Greet event at Diehl's Restaurant in Nitro, West Virginia. Membership in attendance heard from WVC-DL President, Ian T. Masters, and from several legislators. On Monday morning membership convened outside of the Attorney General's office to hear from yet more legislators and pub-

lic officials on the importance of the right to keep and bear arms. Membership was then divided by region into several groups.

A special thank you to the group leaders who led members through the Capitol and got them in front of their elected legislators. Lobby Day is a crucial aspect of our ability to have legislative success. If you have never attended a WVCDL Lobby Day, make arrangements to do so! Lobby Day occurs annually on Presidents' Day (third Monday of February) each year. See you there!



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This legislative victory is the culmination of years of hard work, dedication and election efforts.

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CAMPUS CARRY SIGNED INTO LAW BY GOVERNOR JUSTICE

At a signing ceremony attended by dozens of WVCDL members, Governor Justice proudly signed SB10 (Campus Self Defense Act) into law. This achievement has been the culmination of years of hard work, dedication, and election efforts. As long term members will recall, WVCDL worked feverishly alongside the NRA to successfully pass campus carry through the West Virginia House of Delegates in 2019 only to have it stall and die in the Senate that year.

Undeterred, WVCDL dedicated itself to changing the makeup of the West Virginia Senate. WVCDL worked hard in supporting Senator Amy Grady in her successful 2020 primary run against former Senate President Mitch Carmichael. In the 2022 elections, WVCDL worked hard to successfully flip a half-dozen Senate Districts over to pro-campus carry candidates. These election victories led to the Senate Judiciary Committee being much more friendly to the Campus Self Defense Act. The legislation breezed through the committee in the first days of the legislative session, passing the full Senate by a resounding 29-4 vote.

By the time of WVCDL Lobby Day, the Campus Self Defense Act had already passed by the House Judiciary Committee and had survived attempts at negative amendments. The day after our crucial Lobby Day efforts, the bill passed the West Virginia House of Delegates by a commanding 84-13 vote. On March 1, 2023, the Campus Defense Act was signed into law. Campus Carry officially takes effect on July 1, 2024. On behalf of your Board of Directors, I want to express my sincere gratitude to our membership for this hard-earned legislative victory. The details of this legislation are discussed in a separate article in this newsletter.





A CLOSER LOOK AT THE CAMPUS SELF DEFENSE ACT

In passing the Campus Self Defense Act, the West Virginia Legislature removed a clear infringement of the right to keep and bear arms that had for too long been placed upon students, faculty, and staff of West Virginian colleges and universities. Given the sensitive nature of the legislation, however, the Legislature saw fit that the Campus Self Defense Act would take effect on July 1, 2024. While the delay in implementation is somewhat frustrating, it provides WVCDL with time to educate citizens on the finer details of the legislation. Furthermore, both WVCDL and the colleges and universities have a vested interest in the new law being implemented smoothly and without issue.

The Campus Self Defense Act applies to public colleges and universities. Private institutions will maintain their ability to regulate their properties as they see fit. However, West Virginia has nearly 90,000 students enrolled in its public colleges and universities. These students, as well as the thousands of faculty and staff they employ, will no longer be punished for exercising their right to defend themselves. The Campus Defense Act allows students, faculty, and staff with a concealed handgun license to carry a concealed handgun onto campus. Carrying a weapon onto a college or university campus had never been illegal. However, prior to the Campus Self Defense Act, colleges and universities were able to fire faculty or staff or expel students who exercised their right to keep and bear arms. No more as of July 1, 2024.

When it comes to "campus carry" the main focus of the West Virginia Citizens Defense League was that students and faculty could carry into the classroom and that staff could carry into their workplace (the campus). Additionally, we sought to make sure that those in the dormitories (mainly college freshman) were accommodated in a way where they could still carry to class. Additionally, it is our belief that if the legislature creates any place where citizens cannot protect themselves, there needs to be adequate security measures such as armed security personnel and/or metal detectors or other equipment to ensure said area is secured. All of these requirements were achieved with the Campus Self Defense Act.

There are, however, certain restrictions within the Campus Self Defense Act – namely, areas where colleges and universities are allowed to apply West Virginia Code §61-7-14 (the West Virginia trespassing statute). Due to signs alone not carrying the force of law in West Virginia, trespassing does not occur unless (1) you are approached by a landowner or person in charge of the care or control of a property, (2) are asked to either leave the property or relinquish your weapon, and (3) refuse to do so.

Under the Campus Self Defense Act, public colleges and universities can apply W. Va. Code §61-7-14 to the following areas:

To our knowledge the Campus Self Defense Act makes West Virginia the first state with a mechanism to allow students and staff who are between the ages of 18-20 to carry on campus.

- 1. Organized events taking place in stadiums or arenas with a capacity of more than 1,000 spectators
- 2. At a daycare facility located on the property of the public college or university
- In the secure area of any building used by a law enforcement agency
- 4. In any area where "adequate security measures" are applied to ensure security such as armed personnel and metal detectors
- 5. In an on-campus room where student or employee disciplinary proceedings are being conducted (during these proceedings).
- 6. In any sole occupancy office such as the office of a professor when that professor makes it directly known he or she wishes to limit entrance into the office under the provisions of W.Va. Code §61-7-14. Professors who do not want to limit carry and not prohibited from keeping and possessing a firearm in their own sole occupancy office.
- 7. At an event for school children held in a specific location on campus property when the location is rented, leased or under use by the West Virginia Department of Education, Secondary Schools Activities Commission, or school board (this applies only during the actual time the event is functioning).
- 8. At a private function on a specific location of the campus where a space is rented by a private party not affiliated with a public college or university (this applies only during the actual time the event is functioning).
- 9. In any area of the public campus property where possession is prohibited by state or federal law (see list in footnotes below).*
- 10. In a specific designated location where patient care/mental health counseling is provided.

- 11. In high hazardous or animal laboratories (for instance laboratories with more than 55 gallons of Class 1 flammable liquids or significant quantities of biohazard or toxic materials
- 12. In on-campus residence halls, although carry is allowed in common areas such as lounges dining areas and study areas (see exceptions below)

Importantly, as it applies to on-campus residence halls, the public college or university must provide for at least one of two options. Either (1) provide a storage location inside at least one of its on-campus residence halls or (2) make available an appropriate safe to be installed inside specific dorm rooms as needed (at a reasonable cost).

Carrying a concealed handgun into the above-referenced areas is not an immediate crime. As noted above, no criminal action can take place unless a person carrying violates the provisions of W.Va. Code §61-7-14 we discussed above. Those carrying onto a public college or university campus also need to know that the statute provides that a person "may not carry a pistol or revolver which is partially or wholly visible, or intentionally or knowingly display a firearm in plain view of another person in a way or manner to cause, or threaten, a breach of the peace, regardless of whether the firearm is holstered." This provision does not carry a standalone criminal penalty and will thus most likely be governed by W.Va. Code §61-7-14.

To our knowledge the Campus Self Defense Act makes West Virginia the first state with a mechanism to allow students and staff who are between the ages of 18-20 to carry on campus. This is due to our provisional permit system for adults between eighteen to twenty years old (see, W.Va. Code §61-7-4(a), which was secured by WVCDL during passage of our constitution-

al carry legislation). Given the large numbers of college and university students under the age of twenty-one, it was very important to WVCDL to "leave no student behind."

Another crucial aspect to note, is that applies to concealed handgun licenses for any of the states that West Virginia holds reciprocity with under the terms of W.Va. Code §61-7-6(a). Currently, due in no small part to our amazing Attorney General Patrick Morrisey, West Virginia has reciprocity agreements with thirty-eight (38) states. For those who live in jurisdictions without reciprocity, West Virginia now issues nonresident concealed handgun licenses.

This means that students at West Virginia public colleges and universities from Maryland, New Jersey, Illinois (and other jurisdiction that restrict freedom) will be able to obtain a carry license issued by West Virginia and - for the first time - experience the liberty to exercise their right to keep and bear arms. In



this way, it may just be possible that West Virginia public colleges and universities will start 'exporting freedom' as residents from these states return home to nonsensical restrictions that they know are not only ineffectual and unnecessary but are immoral and dangerous.

WVCDL once again thanks both its active membership as well as the West Virginia Legislature for this major legislative achievement. We encourage our members to use this time to educate the public about the provisions of the Campus Self Defense Act as we near its implementation date of July 1, 2024. WVCDL plans to hold events on several public colleges and universities on that date. Our door remains open to any public college or university who wishes to work cooperatively with us to see to it that this legislation is implemented without issue.



Footnotes

*As to locations referred to in subparagraph (9) above "In any area of the public campus property where possession is prohibited by state or federal law" a person carrying a firearm in the state of West Virginia should be aware of the limited areas where carrying is a standalone criminal offense. These are as follows:

"Firearms, concealed or otherwise, are forbidden or restricted by law in the following locations in West Virginia:

- Federal government properties or other places where firearms are prohibited by federal law. This includes areas of restricted access in airports.
- 2. Any real property where firearms are prohibited by the owner, lessee, or other person charged with the care, custody, and control of the property in accordance with the trespassing provisions of W.Va. Code §61-7-14.
- 3. The State Capitol Complex. See W. Va. Code § 61-6-19(b).

- 4. Regional jails, detention facilities, or State Division of Corrections facilities. See W. Va. Code §61-5-8(c).
- 5. County courthouses or any facility housing a court, including family courts. See W. Va. Code § 61-7-11a.
- 6. On a school bus or any public primary or secondary education building, structure, facility or grounds including a vocational education building, structure, facility or grounds where secondary vocational education programs are conducted or at a school sponsored function, or in or on a private primary or secondary education building, structure or facility unless such private institution has adopted written policies allowing for possession of firearms. See W. Va. Code §61-7-11a.
- 7. Any building or area limited by lawful municipal code, such as a city hall. See W.Va. Code §8-12-5a.

HB2004 ADDRESSES A NEW FORM OF ATTACK ON THE RIGHT TO KEEP AND BEAR ARMS

State Treasurer Riley Moore Instrumental in Passage

After a series of failures in the courts and in many state legislatures, antigun activists have turned to a new battleground – financial and economic regulation. In the fall of 2022, antigun and antiprivacy activists pressured the International Standards Organization to create a new point-of-sale merchant code for the purchase of guns and ammunition. These merchant codes allow credit card companies (and snooping government agencies) to track and potentially even restrict purchases.

This scheme is absolutely unacceptable. Thankfully, the West Virginia Legislature, with intense and ongoing help from State Treasurer Riley Moore, addressed this issue in HB2004 (also known as the Second Amendment Financial Privacy Act. WVCDL leadership discussed the intricacies of this legislation with Treasurer Moore throughout the session. Careful steps had to be taken in order that HB2004 was not struck down as interfering with interstate commerce.

HB2004 elegantly prevents the dissemination of any information collected under these merchant codes, in addition to preventing financial discrimination related to them. Any subpoena used to harvest any of this protected information must be provided to the customer as well as the Consumer Protection Division of the West Virginia Attorney General's Office. A financial institution may not use a firearm-relat-



ed merchant code to decline a lawful payment or transaction; to decline to do business with a customer or merchant; to charge a higher transaction fee than for any other transaction; or otherwise take any action intended to suppress lawful commerce involving firearms.

Enforcement mechanisms include civil remedies. Negligent violation of this statute can bring penalties of Ten Thousand Dollars (\$10,000.00) or actual damages - whichever is greater. Willful violation of this code can bring penalties of Twenty-Five Thousand Dollars (\$25,000.00) or actual damages - whichever is greater. The statute also provides a cause of action for any aggrieved merchant to file suit with a possibility of receiving liquidated damages of Fifty-Thousand Dollars (\$50,000.00) or actual damages - whichever is greater. Importantly if a customer or merchant succeeds in a lawsuit against a financial institution, the Court shall award the payment of reasonable attorney fees.

The Second Amendment Financial Privacy Act enables the Commissioner of Banking to administratively enforce the requirements of the statute and also authorizes the Attorney General to investigate compliance with the statute. The Attorney General is also enabled to bring suit for injunctive relief if necessary. WVCDL is grateful to the West Virginia Legislation and State Treasurer Riley Moore for passage of the Second Amendment Financial Privacy Act.

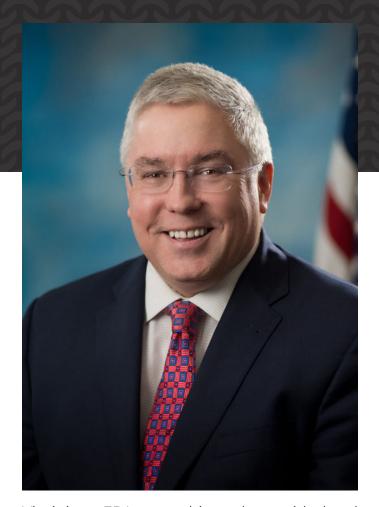
Attorney General Morrisey Remains Steadfast in Defense of Right to Keep and Bear Arms

Those of you in attendance of our Lobby Day in February heard the Attorney General give a rousing speech in defense of the right to keep and bear arms. When it comes to defending our rights, Attorney General Patrick Morrisey is about far more than just words. In his term in office – now over a decade – he has worked to expand reciprocity, vocally supported key pieces of WVCDL legislation, and unceasingly defended the right to keep and bear arms at both the state and federal level.

Since our last publication, Attorney General Morrisey won a massive victory in the Supreme Court with West Virginia v. EPA. While this case pertained to federal oversteps in environmental regulation, the arguments made by our Attorney General, as well as the decision provided by SCOTUS, bolstered the "major questions doctrine" which may be fruitful in preventing ATF from unilaterally reinterpreting, altering, and expanding federal gun control laws. West



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Virginia v. EPA may ultimately provide legal footing to strike down the most recent ATF lawlessness – the reclassification of pistols with pistol braces as short barreled rifles subject to the National Firearms Act.

Speaking of the ATF, our Attorney General has continued to be a thorn in the side of this unnecessary federal agency. At the outset of the most recent ATF scheme aimed at pistol braces, Attorney General Morrisey wrote an open letter to ATF urging them to reconsider or face litigation. After ATF pushed forward, Attorney General Morrisey lead a coalition of more than twenty (20) attorneys general in a lawsuit against the ATF. When House Joint Resolution 44 to repeal the new ATF rule moved through Congress, Attorney General Morrisey wrote a letter to the West Virginia congressional delegation urging passage of repeal. The resolution passed the House of



Representatives but failed in the Senate by two votes (Senate Manchin – always keen to stomp on the right to keep and bear arms wherever able – vote against repeal). The litigation against ATF remains pending in the courts.

Following the victory at the Supreme Court in New York State Rifle & Pistol Association, Inc. v. Bruen, Attorney General Morrisey penned a letter to the governor of Maryland asking for recognition of West Virginia concealed weapons permits. Attorney General Morrisey noted "...(c)itizens of my state who live near Maryland,

work in Maryland, or commute through Maryland, this issue has been especially problematic and worrisome. It would be mutually beneficial for our states to reach a concealed handgun license reciprocity agreement, and my office is prepared to work with Maryland on this at any time." To date, Maryland has not addressed the issues posed in Bruen. WVCDL leadership has had ongoing conversations with Attorney General Morrisey on potential legal avenues to address the situation.

On April 4, 2023, Attorney General Morrisey announced his candidacy for governor in the 2024 election. While WVCDL has a policy of not officially endorsing a candidate prior to the candidacy filing deadlines (end of January 2024), WVCDL can safely say that West Virginians concerned with the right to keep and bear arms have a friend and staunch ally in Attorney General Patrick Morrisey.



NEW FACES ON YOUR BOARD OF DIRECTORS

New Website Design Addresses Membership Delays

As you may have noticed on our masthead, there are some new faces on the Board of Directors. Two new at-large members have joined – Marcus Goddard (Raleigh County) and Zach Poland (Brooke County). Marcus and Zach are both long term active members who have attended WVCDL events and Lobby Day for many years. Long term board of directors member, and registered lobbyist, Patrick Moore has now taken on the role of Secretary. Eric Legg has taken on the role of Treasurer. Zach Campbell has taken on the role of Membership Coordinator.

WVCDL has worked effectively with member Tyler West (webmaster) who has helped revamp our website and address a flaw in our online membership processing. A lot of the infrastructure WVCDL was using proved suitable when we had five hundred (500) members. Our successes, however, have led to an in-

flux of membership and a volume that simply overwhelmed the prior system. We have made changes that should now be able to accommodate our thousands of members.

The changes to the website and membership processing systems are relatively recent. We are hoping to get things moving smoothly and then ultimately get the full website store back up and running. If you have any outstanding membership order – particularly before the site was revamped in May of 2023, please email us at membership@wvcdl.org and we will address your situation immediately. Membership orders placed on the new online system appear to be processing on time within our six (6) to eight (8) week window. Membership orders done on hardcopy application via mail may face a slight delay in processing.

When the WVCDL store is back up for swag orders we will send membership and email and also make a Facebook post announcement. Thank you for your patience and cooperation. This necessary growing pain should soon be behind us and we will be set for continued membership expansion.





WVCDL CELEBRATES ITS ACCOMPLISHMENTS, EYES FUTURE LEGISLATION

The West Virginia Citizens Defense League (WVCDL) first appeared before the West Virginia Legislature in 2007. In early years, WVCDL toiled to get bills introduced and worked with the Attorney General to expand concealed handgun reciprocity. WVCDL also played a major role in defeating anti-gun legislation. It was not until 2013, however, where WVCDL had a breakout year and secured its first legislative achievements.

Ten years later we can reflect on historic achievements. WVCDL has now achieved passage of over thirty (30) bills expanding the right to keep and bear arms. WVCDL stands as perhaps the most successful state-level civil rights organization in America. When it comes to legislation, interest groups spend millions of dol-



lars to pass a single piece of legislation. WVCDL has achieved passage of over thirty (30) pieces of legislation – from groundbreaking bills like preemption, constitutional carry, deadly weap-on preemption, and, now, campus carry – using solely grassroots and all-volunteer activism.

WVCDL membership deserves the gratitude of all West Virginians. On behalf of the Board of Directors, I cannot thank you enough. The mission of WVCDL to preserve, expand, and perpetuate the right to keep and bear arms never ends, however. We continue to fight well-funded and incessant threats against your natural right to self-defense. WVCDL will always take the field and stand against those who seek to infringe upon the right to keep and bear arms.

WVCDL will not rest on its laurels. We continue to believe that the best defense is a good offense. We celebrate our hard won accomplishments, but there is work remaining to be done. Moving forward, WVCDL hereby notes – in no particular order – additional policy achievements it will pursue in forthcoming years:





- Strengthening our 2021 "nonparticipation" legislation (HB2694). WVCDL seeks to add additional restrictions on state and local police, further preventing their cooperation with federal forces seeking to enforce firearm confiscation or other restrictions on your right to keep and bear arms. WVC-DL also seeks to add civil and/or criminal penalties against state and local law enforcement that engage in federal law enforcement in these gun control schemes.
- 2. Enabling the carrying of concealed weapons by K-12 school personnel. WVCDL seeks to obtain legislation enabling qualifying K-12 school personnel to carry inside schools. In the wake of the Uvalde, Texas elementary school shooting, other states including Ohio passed legislation enabling teachers or other school personnel to carry firearms. West Virginia needs to protect its school children.
- 3. Allowing qualified individuals to carry a concealed handgun into K-12 schools or to school events. WVCDL worked to secure "school pick up/drop off" legislation in 2018 enabling armed citizens to enter the parking lots of schools under certain conditions. This legislation should be expanded to permit individuals to go beyond just the parking lot and into schools or school events.
- 4. Expanding public shooting ranges. As America continues to urbanize and lessand-less citizens own rural property or have access to private shooting ranges, WVCDL seeks to preserve and expand our public shooting ranges and secure additional locations where West Virginia citizens can utilize their firearms for practice, training, and sporting purposes.

- 5. Online renewal of concealed handgun licenses. WVCDL seeks to enable renewals of concealed handgun licenses to be done securely, quickly, and online in an effort to streamline the process and prevent the delays we see in certain counties.
- 6. Capitol carry. The West Virginia Capitol Complex belongs to the people of West Virginia. WVCDL seeks to first remove the restriction from carrying a firearm on the grounds outside of the Capitol building, and, ultimately, permit qualified individuals to carry firearms inside the Capitol building as is done in several other states.
- 7. Marksmanship competition and scholarship. WVCDL one day hopes to establish a statewide marksmanship competition. Ideally competitions would occur in each county or region. County or regional winners would be announced, and, ultimately, state champions crowned. WVCDL would like to see two divisions (one for those who have not yet graduated high school and a separate one for those older). It is our hope that a scholarship could be established for state champions. Funding would be done by entry fees and donations.

When discussing future legislation, it is also important to note that unforeseen events (likely on the federal level) may give rise to the need for legislation not yet on our radar. WVCDL remains vigilant in monitoring threats and assessing legislative realities. Your Board of Directors is also careful to listen to WVCDL membership. Very often we seek input from membership about potential legislation.

Learn more at www.wvcdl.org

WVCDL Membership Application (rev 09/20)

Please complete this form to join the WVCDL or renew your membership. *Please allow 6-8 weeks for your membership packet to arrive.*

Membership	Type (circle one): New or	Renewal Member Number (if known)):
Member Nam	e		
Address		City	,
State	Zip Code	County	
Phone	Email		
T-Shirt Size (circle one)			
\$25 Adult: Small	/ Medium / Large / XL		Striplin Citizens Design
Youth: Small / Medium / Large			West
\$28 Adult: 2XL / 3XL / 4XL /6XL Tall sizes: Large-Tall / XL-Tall			
\$30 Tall Sizes: 2	2XL-Tall / 3XL-Tall / 4XL-T	-all	ONTHAN SEMPER LIBER
Are you a me	mber of any other 2 nd Amen	ndment Groups? List:	
Are you regist	ered to vote? If yes, which	party affiliation?	
Do you currer	ntly possess a valid WV Cor	ncealed Handgun License?	
Do you have a	any special skills you would	be willing to use to help the WVCDL?	
Please list			
	Citizens Defense League (\	WVCDL) requires you to agree to the foll	
has as any pa		irm that I am not a member of any organ of to overthrow the Government of the Ur e or violence.	
Signature Da			Date
Total due bas	ed on shirt size above: \$		

Please make checks payable to: WVCDL, PO Box 11371, Charleston, WV 25339-1371