

SB 963 -- Redline

Introduced to Committee Substitute -- Protecting due process in firearm confiscation

Deletions ~~struck~~ · Insertions underlined

WEST VIRGINIA LEGISLATURE REGULAR SESSION ~~Introduced~~Committee Substitute for Senate Bill 963
~~By SENATORS WILLIS~~ Senator THORNE Willis ~~[Reported [Introduced March February 2, 17, 2026, 2026; from the~~
Committee on the Judiciary] CS for SB 963 A BILL to amend and reenact Sec.48-27-502 of the Code of West
Virginia, 1931, as amended, relating to surrender of firearms and ammunition in protective order
proceedings;

~~referred requiring to proper the service Committee on the Judiciary] Intr SB 963 2026R4136 A BILL to amend~~
~~and reenact Sec.48-27-502 of the respondent; Code of West Virginia, 1931, as amended, relating to~~
~~mandatory provisions in protective order;~~

~~requiring permitting a protective full order adversarial to hearing direct by surrender a court of~~
~~record firearms before in a certain respondent circumstances; may be prohibited from possessing any firearm~~
~~or ammunition, and only then by clear and convincing evidence;~~

~~and requiring providing certain for court automatic findings; appeal by respondent.~~
and providing for appeal.

(f) Notwithstanding any provision of this code to the contrary, a protective order issued under this
chapter or chapter 53 of this code may not prohibit a respondent from possessing any CS for SB 963
firearm or ammunition or confiscate any firearm or Intraammunition SBowned 963by 2026R4136the
ammunitions respondent owned unless by respondent the is respondent; properly served with notice of a hearing
in accordance with West Virginia law and;

(1) ~~Unless Respondent there fails is to appear full for adversarial hearing before a court of record, with~~
~~the respondents scheduled present hearing; with legal representation;~~

and (2) ~~There Respondent is consents clear and convincing evidence that the respondent poses an immediate~~
~~danger to the petitioner, surrender established of by his documented threats, sworn testimony, or other her~~
~~substantial evidence, and that the confiscation of firearms and ammunition ammunition; is not used as a~~
~~punitive or retaliatory measure in domestic violence proceedings.~~

~~(g) or If (3) After a protective full order adversarial is hearing, granted where containing the mandatory~~
~~language of this section, the respondent has may an elect automatic to appeal have from legal that counsel~~
~~order present, which and shall be heard by the court within finds, 10 by days a as preponderance provided of~~
~~in the Sec.48-27-510 evidence, that:~~

~~NOTE: (A) Domestic violence has occurred;~~

~~The (B) purpose Any of this the bill circumstances is specified to in require Sec.53-8-7(a)(2) a full~~
~~adversarial hearing before a court of record this before code are respondent present; may be prohibited~~
~~from possessing any firearm or ammunition, under mandatory provisions in protective order and then only~~
~~by clear and convincing evidence.~~

~~The or bill (C) also Respondent provides has for committed automatic acts appeal of by abuse,~~
~~respondent threats, harassment, or engaged in other conduct that places petitioner, or the minor~~
~~children of petitioner, in reasonable fear of bodily injury.~~

~~Strike-throughs (4) indicate Any language finding that pursuant would to be subdivision stricken (3) from of~~
~~at this heading subsection or that the results present in law and prohibition underscoring on~~
~~indicates respondent's new possession language of that a would firearm or ammunition shall be added supported~~
~~by:~~

(A) Substantial evidence of record including, but not limited to, witness testimony, police reports,
documented threats or admissions, medical records, or other relevant documentation;

and (B) A finding that the petitioner is requesting the surrender of the firearms and ammunition of the
respondent in good faith and not for a retaliatory or otherwise malicious purpose.

(g) If a protective order is granted containing the mandatory language of this section, the respondent
may file a petition for appeal with the circuit court as provided in Sec.48-27-510(b) and Sec.53-8-9(a)
of this code.