



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

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OPEN LETTER TO ALL WEST VIRGINIA FEDERAL FIREARMS LICENSEES

The purpose of this open letter is to provide guidance concerning West Virginia House Bill (HB) 4145 as it concerns the provisional licenses made eligible to West Virginia residents aged 18-20. Effective June 5, 2016, West Virginia residents age 18-20, if not otherwise prohibited under Federal or State law, may obtain a provisional concealed carry license to carry a handgun on their person. This provisional license will be valid until the resident turns 21 years of age.

Title 18, United States Code (U.S.C.) § 922(b)(1) states that: "It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age." *See also* Title 27, Code of Federal Regulations (C.F.R.) § 478.99(b)(1) (stating same).

West Virginia HB 4145 has no effect on the Federal firearms law and implementing regulation cited above. Federal firearms licensees may not sell or otherwise deliver handguns to any individual the licensee knows or has reasonable cause to believe is less than 21 years of age, to include individuals possessing a West Virginia Provisional Concealed Carry License. Those persons do not meet the minimum age requirement of 21 years old. Federal firearms licensees must continue to ensure that all purchasers of handguns in over the counter transactions are at least 21 years of age at the time of purchase. If you have any questions please contact ATF Industry Operations, Charleston Area Office at (304)-340-7820.



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Enforcement Programs and Services