

1 **H. B. 2948**

2  
3 (By Delegate Talbott)

4 (By Request of the Division of Natural Resources)

5 [Introduced January 31, 2011; referred to the  
6 Committee on Natural Resources then the Judiciary.]

7  
8  
9  
10 A BILL to amend and reenact §20-2-4 of the Code of West Virginia,  
11 1931, as amended, relating to electronic registration of  
12 wildlife.

13 *Be it enacted by the Legislature of West Virginia:*

14 That §20-2-4 of the Code of West Virginia, 1931, as amended,  
15 be amended and reenacted to read as follows:

16 **ARTICLE 2. WILDLIFE RESOURCES.**

17 **§20-2-4. Possession of wildlife.**

18 Except for wildlife, lawfully taken, killed or obtained, no  
19 person ~~shall~~ may have in his or her possession any wildlife, or  
20 parts thereof, during closed seasons. It is unlawful to possess  
21 any wildlife, or parts thereof, which have been illegally taken,  
22 killed or obtained. Any wildlife illegally taken, killed or  
23 possessed shall be forfeited to the state and shall be counted  
24 toward the daily, seasonal, bag, creel and possession limit of the  
25 person in possession of, or responsible for, the illegal taking or  
26 killing of any wildlife.

1 Wildlife lawfully taken outside of this state ~~shall be~~ is  
2 subject to the same laws and rules as that taken within this state.

3 Migratory wild birds ~~shall~~ may be possessed only in accordance  
4 with the "Migratory Bird Treaty Act" and regulations thereunder.

5 The restrictions in this section do not apply to the director  
6 or duly authorized agents, who may, in any manner, take or maintain  
7 in captivity, at any time, any wildlife for the purpose of carrying  
8 out the provisions of this chapter.

9 Wildlife, except protected birds, spotted fawn, and bear cubs,  
10 killed or mortally wounded as a result of being accidentally or  
11 inadvertently struck by a motor vehicle may be lawfully possessed  
12 ~~Provided, That if~~ if the possessor of ~~such the~~ wildlife ~~shall provide~~  
13 provides notice of the claim within twelve hours to a relevant law-  
14 enforcement agency, and ~~obtain~~ obtains a nonhunting game tag within  
15 twenty-four hours of possession. The director shall propose  
16 administrative policy which ~~shall address~~ addresses the means,  
17 methods and administrative procedures for implementing the  
18 provisions of this section.

19 Persons required to deliver wildlife to an official checking  
20 station may, in accordance with rules promulgated by the director,  
21 electronically register the wildlife in lieu of the delivery to an  
22 official checking station. "Electronically register" means  
23 submission of all necessary and relevant information to the  
24 division, in the manner designated by rule, in lieu of delivery of  
25 the wildlife to an official checking station. The director may  
26 promulgate rules, pursuant to article three, chapter twenty-nine-a

1 of this code, governing the electronic registration of wildlife.

NOTE: The purpose of this bill is to authorize electronic registration of wildlife.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.