

1 **ENROLLED**

2 **Senate Bill No. 358**

3 (BY SENATORS LAIRD AND MILLER)

4 _____
5 [Passed March 4, 2011; in effect ninety days from passage.]
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10 AN ACT 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 may have in his or her possession any wildlife, or parts
20 thereof, during closed seasons. It is unlawful to possess any
21 wildlife, or parts thereof, which have been illegally taken, killed
22 or obtained. Any wildlife illegally taken, killed or possessed
23 shall be forfeited to the state and shall be counted toward the
24 daily, seasonal, bag, creel and possession limit of the person in
25 possession of, or responsible for, the illegal taking or killing of
26 any wildlife.

27 Wildlife lawfully taken outside of this state is subject to

1 the same laws and rules as that taken within this state.

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

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

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

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