

**Senate Bill No. 442**

(By Senators Unger, Kessler (Mr. President), D. Hall, Fitzsimmons  
and Beach)

[Introduced March 5, 2013; referred to the Committee on Natural  
Resources; and then to the Committee on the Judiciary.]

A BILL to amend and reenact §20-2-37 of the Code of West Virginia,  
1931, as amended, relating to allowing shooters who are in  
possession of a firearm in or near the woods to not have to  
possess a valid hunting license.

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

That §20-2-37 of the Code of West Virginia, 1931, as amended,  
be amended and reenacted to read as follows:

**ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-37. Display of license, etc., by persons in possession of  
hunting, fishing, etc., paraphernalia.**

~~(a) Any person having in his or her possession in or near the  
fields or woods, or about the streams of this state, any dog, gun,~~

1 ~~fishing rod or other hunting, fishing or trapping paraphernalia,~~  
2 ~~shall, upon demand of any~~ officer authorized to enforce the  
3 provisions of this chapter may require any person who is hunting,  
4 pursuing, or in possession of game in or near the fields or woods  
5 or about the streams of this state to state his or her correct name  
6 and address, and shall exhibit for inspection: ~~(a)~~ (1) All  
7 applicable licenses and documents set forth in section thirty-six  
8 of this article; and ~~(b)~~ (2) all firearms and wildlife which he or  
9 she may have in his or her possession.

10 (b) The mere fact that a person possesses a firearm shall not  
11 trigger the authority of subsection (a) but may be considered along  
12 with other evidence in a determination as to whether a person is  
13 hunting or pursuing game.

14 (c) Nothing in this section may be construed as authorizing  
15 searches that violate article three, section six of the West  
16 Virginia Constitution or the Fourth Amendment to the Constitution  
17 of the United States, nor may anything in this section be construed  
18 as effecting a waiver of these Constitutional provisions.

NOTE: The purpose of this section is to better clarify the distinction between hunters and shooters in the field. It would allow shooters who are in possession of a firearm in or near the woods to not have to possess a valid hunting license.

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

be added.