

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 298**

4 (By Senators Unger, D. Hall, Cookman, Tucker, Fitzsimmons,  
5 Williams and Cann)

6 \_\_\_\_\_  
7 [Originating in the Committee on Natural Resources;  
8 reported February 13, 2014.]  
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12 A BILL to amend and reenact §20-2-37 of the Code of West Virginia,  
13 1931, as amended, relating to hunting and fishing generally;  
14 clarifying when officer can request information and inspection  
15 from a person appearing to be hunting, fishing, trapping or  
16 taking wildlife; and stating that mere possession of a firearm  
17 is not indicative of hunting.

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

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

21 **ARTICLE 2. WILDLIFE RESOURCES.**

22 **§20-2-37. Authority to request information and inspection from a**  
23 **person appearing to be hunting, fishing, trapping or**  
24 **taking wildlife; mere possession of a firearm not**

1                   **sole evidence; constitution protections.**

2           ~~(a) Any person having in his or her possession in or near the~~  
3 ~~fields or woods, or about the streams of this state, any dog, gun,~~  
4 ~~fishing rod or other hunting, fishing or trapping paraphernalia,~~  
5 ~~shall, upon demand of any officer authorized to enforce the~~  
6 provisions of this chapter has the authority to require a person  
7 who has wildlife, a hunting dog, firearm, or other equipment  
8 indicative of hunting, fishing, trapping or taking wildlife in or  
9 near the fields, woods or streams of this state to:

10           ~~(1) State his or her correct name and address; and shall~~  
11 ~~exhibit for inspection: (a) All applicable licenses and documents~~  
12 ~~set forth in section thirty-six of this article ; and (b)~~

13           (2) Exhibit for inspection all requisite licenses and  
14 documents required by law; and

15           (3) Exhibit for inspection all firearms, equipment and  
16 wildlife which he or she may have in his or her possession.

17           (b) Mere possession of a firearm does not, in and of itself,  
18 indicate that a person has been hunting, fishing, trapping or  
19 taking wildlife but may be considered along with other evidence to  
20 determine whether a person has been doing so.

21           (c) Nothing in this section may be construed as authorizing  
22 searches that violate article three, section six of the West  
23 Virginia Constitution or the Fourth Amendment to the Constitution  
24 of the United States, nor may anything in this section be construed

1 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.