

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

House Bill 4673

(BY DELEGATES ANDERSON, KELLY, BORDER, A. EVANS,
PHILLIPS, WAGNER, TRECOST, R. SMITH, SHAFFER,
IRELAND AND MILLER)

[Introduced February 22, 2016; Referred to the
Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931 as amended, by adding thereto a new section,
2 designated §20-2-7a, relating to making unlawful the theft, damage or release of deer from
3 private game farms; providing definitions; creating a crime for the taking or carrying away,
4 or intentionally injuring or releasing any captive cervid that is the property of another
5 person; providing a criminal penalty; and providing for restitution to be paid to the victim.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated section §20-2-7a, to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

**§20-2-7a. Theft, infliction of injury or release of deer from private game farm prohibited;
penalty and restitution.**

1 For purposes of this section:

2 (a) "Captive cervid" or the plural means a member of the Cervidae family of animals
3 including, but not limited to, fallow deer, red deer, white-tailed deer, axis deer, elk, moose,
4 reindeer and caribou which are domesticated animals under the control of the owner of the animal
5 in a facility regulated and licensed by the Department of Agriculture pursuant to chapter nineteen,
6 two-h of this code.

7 (b) It is unlawful for any person to take or carry away, or to intentionally injure or release
8 any captive cervid that is the property of another person.

9 (c) Any person who violates this section is guilty of a misdemeanor and, upon conviction
10 thereof, may be fined up to \$500, and restitution shall be ordered pursuant to sections four and
11 five, article eleven-a, chapter sixty-one of the code.

NOTE: The purpose of this bill is to provide for a crime for the theft, damage or release of deer from private game farms. The bill makes the crime a misdemeanor; and provides for a criminal penalty and restitution to be paid to the victimized private game farm owner.

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