

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4331**

BY DELEGATES R. SMITH, J. NELSON, WAGNER,  
STANSBURY, HAMILTON, CADLE, STATLER, ELDRIDGE,  
FLANIGAN, ATKINSON AND BUTLER

[Introduced January 29, 2016; Referred  
to the Committee on Agriculture and Natural  
Resources then the Judiciary.]

1 A BILL to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended, relating  
 2 to providing the Director of the Division of Natural Resources the authority to offer up to  
 3 \$1,000 for information leading to the arrest and conviction of persons who have injured or  
 4 killed game; creating additional penalty of reward amount for any person convicted  
 5 following receipt of information by the Division of Natural Resources leading to his or her  
 6 arrest and conviction.

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

1 That §20-2-5a of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

**ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-5a. Forfeiture by person causing injury or death of game or protected species of animal; additional replacement costs for antlered deer; forfeiture procedures and costs; rewards for information.**

1 (a) Any person who is convicted of violating a criminal law of this state that results in the  
 2 injury or death of game, as defined in section two, article one of this chapter, or a protected  
 3 species of animal, in addition to any other penalty to which he or she is subject, shall forfeit the  
 4 cost of replacing the game or protected species of animal to the state as follows:

5 (1) For each game fish or each fish of a protected species taken illegally other than by  
 6 pollution kill, \$10 for each pound and any fraction thereof;

7 (2) For each bear, \$500;

8 (3) For each deer or raven, \$200;

9 (4) For each wild turkey, hawk or owl, \$100;

10 (5) For each beaver, otter or mink, \$25;

11 (6) For each muskrat, raccoon, skunk or fox, \$15;

12 (7) For each rabbit, squirrel, opossum, duck, quail, woodcock, grouse or pheasant, \$10;

13 (8) For each wild boar, \$200;

14 (9) For each bald eagle, \$5,000;

15 (10) For each golden eagle, \$5,000;

16 (11) For each elk, \$4,500; and

17 (12) For any other game or protected species of animal, \$100.

18 (b) In addition to the replacement value for deer in subdivision (3), subsection (a) of this  
19 section, the following cost shall also be forfeited to the state by any person who is convicted of  
20 violating any criminal law of this state and the violation causes the injury or death of antlered deer:

21 (1) For any deer in which the inside spread of the main beams of the antlers measured at  
22 the widest point equals 14 inches or greater but less than 16 inches, \$1,000;

23 (2) For any deer in which the inside spread of the main beams of the antlers measured at  
24 the widest point equals 16 inches or greater but less than 18 inches, \$1,500;

25 (3) For any deer in which the inside spread of the main beams of the antlers measured at  
26 the widest point equals 18 inches or greater but less than 20 inches, \$2,000; and

27 (4) For any deer in which the inside spread of the main beams of the antlers measured at  
28 the widest point equals 20 inches or greater, \$2,500.

29 (5) Any person convicted of a second or subsequent violation of any criminal law of this  
30 state which violation causes the injury or death of antlered deer is subject to double the authorized  
31 range of cost to be forfeited.

32 (c) Upon conviction, the court shall order the person to forfeit to the state the amount set  
33 forth in this section for the injury or death of the game or protected species of animal. If two or  
34 more defendants are convicted for the same violation causing the injury or death of game or  
35 protected species of animal, the forfeiture shall be paid by each person in an equal amount. The  
36 forfeiture shall be paid by the person so convicted within the time prescribed by the court not to  
37 exceed sixty days. In each instance, the court shall pay the forfeiture to the Division of Natural  
38 Resources to be deposited into the License Fund-Wildlife Resources and used only for the  
39 replacement, habitat management or enforcement programs for injured or killed game or

40 protected species of animal.

41 (d) The Director of the Division of Natural Resources is authorized to offer and pay rewards  
42 of up to \$1,000 for information leading to the arrest and conviction of persons who violate a  
43 criminal law of this state that results in the injury or death of game, as defined in section two,  
44 article one of this chapter or a protected species of animal. Any person who is convicted of  
45 violating a criminal law of this state that results in the injury or death of game, as defined in section  
46 two, article one of this chapter, or a protected species of animal, in addition to any other penalty,  
47 shall forfeit the cost of the reward amount to the state.

NOTE: The purpose of this bill is to give authority for DNR to provide a reward up to \$1,000 to any person providing information leading to the arrest and conviction of any person who injures or kills game or other protected species, and requires the convicted person to forfeit the amount of the reward to the state.

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