

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Enrolled

Senate Bill 333

BY SENATORS KARNES AND LEONHARDT

[Passed March 10, 2016; in effect 90 days from passage]

1 AN ACT to amend and reenact §20-2-4, §20-2-21 and §20-2-22 of the Code of West Virginia,
2 1931, as amended, all relating to wildlife; clarifying that it is unlawful to possess live wildlife
3 unless authorized; clarifying electronic registration and tagging of certain wildlife; and
4 providing procedure for persons not required to obtain licenses or permits to register
5 certain wildlife.

Be it enacted by the Legislature of West Virginia:

1 That §20-2-4, §20-2-21 and §20-2-22 of the Code of West Virginia, 1931, as amended,
2 be amended and reenacted, all to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-4. Possession of wildlife.

1 (a) Except for wildlife lawfully taken, killed or obtained, no person may have in his or her
2 possession any wildlife, or parts thereof, during closed seasons. It is unlawful to possess any
3 wildlife, or parts thereof, which have been illegally taken, killed or obtained. Any wildlife illegally
4 taken, killed or possessed shall be forfeited to the state and shall be counted toward the daily,
5 seasonal, bag, creel and possession limit of the person in possession of, or responsible for, the
6 illegal taking or killing of any wildlife. It is unlawful to take, obtain, purchase, possess or maintain
7 in captivity any live wildlife, wild animals, wild birds, game or fur-bearing animals except as
8 provided by this chapter or any rule promulgated thereunder.

9 (b) Wildlife lawfully taken outside of this state is subject to the same laws and rules as
10 wildlife taken within this state.

11 (c) Migratory wild birds may be possessed only in accordance with the Migratory Bird
12 Treaty Act, 16 U. S. C. §703, *et seq.*, and its regulations.

13 (d) The restrictions in this section do not apply to the director or duly authorized agents,
14 who may take or maintain in captivity any wildlife for the purpose of carrying out the provisions of
15 this chapter.

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

22 (f) Persons are required to electronically register deer, bear, turkey, wild boar, bobcat,
23 beaver, otter and fisher in accordance with rules promulgated by the director. "Electronically
24 register" means submission of all necessary and relevant information to the division, in the
25 manner designated by rule governing the electronic registration of wildlife. The director may
26 promulgate rules, pursuant to article three, chapter twenty-nine-a of this code, governing the
27 electronic registration of wildlife: *Provided*, That the rules shall include a procedure for persons
28 who are not required to obtain licenses or permits under section twenty-eight of this article to
29 register wildlife using identification other than a social security number. The rules may use a
30 system of a combination of the last four digits of the social security number, date of birth and last
31 name of the person.

§20-2-21. Reporting beaver and otter pelts taken and tagged.

1 Each trapper shall electronically register each beaver and otter, or each pelt, to a game
2 checking station or representative of the division within thirty days after the close of a legal
3 season. A game tag number shall be issued to the person and recorded in writing with the
4 person's name and address, or on a field tag, and shall be affixed to each otter and remain
5 attached to the animal or pelt until it is processed into commercial fur. A game tag number for
6 each beaver shall be issued to the person and recorded in writing with the person's name and
7 address and either attached to each beaver or pelt, or the tag number shall be retained by the
8 person in possession of the beavers. The game tag numbers shall remain attached to the animal
9 or pelt or retained by the owner until it is processed into commercial fur.

§20-2-22. Tagging, removing, transporting and reporting bear, deer, wild boar and wild turkey.

1 (a) Each person killing a bear, deer, wild boar or wild turkey found in a wild state shall
2 either attach a completed field tag to the animal or remain with the animal and have upon his or
3 her person a completed field tag before removing the carcass in any manner from where it was
4 killed.

5 (b) While transporting the carcass of a bear, deer, wild boar or wild turkey from where it
6 was killed, each person shall either attach a completed field tag to the animal or have upon his or
7 her person a completed field tag.

8 (c) Upon arriving at a residence, camp, hunting lodge, vehicle or vessel each person shall
9 attach a field tag to the killed bear, deer, wild boar or wild turkey. The field tag shall remain on the
10 carcass until the animal is electronically registered. A game tag number shall be issued to the
11 person and recorded in writing with the person's name and address, or on a field tag, and shall
12 remain on the carcass until it is dressed for consumption. The game tag number shall remain on
13 the skin or hide until it is tanned or mounted.

14 (d) If a person who does not possess a field tag kills a bear, deer, wild boar or wild turkey,
15 he or she shall make a tag. The field tag shall bear the name, address and, if applicable, the
16 license number of the hunter and the time, date and county of killing.

17 (e) A person who kills a bear shall treat the carcass and remains in accordance with the
18 provisions of section twenty-two-a of this article.

19 (f) For each violation of this section a person is subject to the penalties provided in this
20 article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2016.

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Governor