WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

House Bill 3020

By Delegates Harshbarger, Howell, Cowles,

Ambler, Boggs, Paynter, Atkinson, Kessinger,

Eldridge, Statler and Overington

[Introduced March 14, 2017; Referred

to the Committee on Agriculture and Natural Resources

then the Judiciary]

1 A BILL to amend and reenact §20-7-9 of the Code of West Virginia, 1931, as amended, relating

2   to criminal penalties for the offense of hunting, trapping or fishing on the lands of another

3   person; criminal penalties for the offense of entering on to posted lands; criminal penalties

4   for the offense of destroying posted land signs; and setting those criminal penalties for

5   such offenses to be equivalent to those of the offense of criminal trespass.

Be it enacted by the Legislature of West Virginia:

1   That §20-7-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted

2 to read as follows:

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-9. Violations of chapter generally; penalties.

1   Any person violating any of the provisions of this chapter or rules promulgated under the

2 provisions of this chapter, the punishment for which is not prescribed, shall be guilty of a

3 misdemeanor and, upon conviction thereof, shall for each offense be fined not less than $20 nor

4 more than $300 or confined in jail not less than ten or more than one hundred days, or be both

5 fined and imprisoned within the limitations aforesaid and, in the case of a violation by a

6 corporation, every officer or agent thereof directing or engaging in such violation shall be guilty of

7 a misdemeanor and, upon conviction thereof, shall be subject to the same penalties and

8 punishment as herein provided: *Provided,* That any person violating ~~subdivision (3), section five,~~

9 ~~article two,~~ section seven, section eight, or section ten, article two of this chapter shall be guilty

10 of a misdemeanor and, upon conviction thereof, shall be fined not less than $100 nor more than

11 $500 ~~and~~ or shall be imprisoned for not less than ten days nor more than one hundred days, or

12 both fined and imprisoned: *Provided, however,* That any person who is in violation of section

13 twenty-seven, article two of this chapter as a result of their failure to have a valid Class E

14 nonresident hunting and trapping license, as defined by section forty-two-d of this article, or a

15 valid Class EE nonresident bear hunting license, as defined by section forty-two-e of this article,

16 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $250

17   nor more than $500, or confined in jail not less than ten nor more than one hundred days, or both

18   fined and imprisoned: *Provided further,* That any person who is in violation of section twenty-

19   seven, article two of this chapter as a result of their failure to have a Class F nonresident fishing

20   license, as defined by section forty-two-f of this article, shall be guilty of a misdemeanor and, upon

21   conviction thereof, fined not less than $100 nor more than $300 or confined in jail not less than

22   ten nor more than one hundred days, or both fined and imprisoned: *And provided further,* That

23   any person violating any parking or speeding regulations as promulgated by the director on any

24   state parks, state forests, public hunting and fishing areas and all other lands and waters owned,

25   leased or under the control of the Division of Natural Resources shall be guilty of a misdemeanor

26   and, upon conviction thereof, shall be fined not less than $2 nor more than $100 or imprisoned in

27   jail not more than ten days, or both fined and imprisoned.

NOTE: The purpose of this bill is to provide that the penalty for hunting, trapping or fishing on the lands of another, entering upon posted lands, or destroying posted land signs shall be equivalent to the penalty for criminal trespass.

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