

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

**Introduced**

### **House Bill 2662**

**FISCAL  
NOTE**

BY DELEGATES AMBLER, COOPER, PAYNTER, WESTFALL,  
MAYNARD, HOUSEHOLDER, EVANS, A., HAMILTON, HICKS,  
ELDRIDGE AND RODIGHIERO

[Introduced February 22, 2017; Referred  
to the Committee on Agriculture and Natural  
Resources then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §20-2-5i, relating to prohibiting the waste of game animals, game birds or  
 3 game fish; and providing criminal penalties.

*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 §20-2-5i, to read as follows:

**ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-5i. Waste of game animals, game birds or game fish; penalties.**

1 (a) A person may not waste a game animal, game bird or game fish that has been  
 2 wounded, killed or taken while hunting or fishing. This section does not apply to fur-bearing  
 3 animals. For purposes of this section, “waste” means:

4 (1) To detach or remove only the head, hide, feet, paws, claws, antlers, tusks, gall bladder  
 5 or teeth or any or all of these parts from the carcass of a game animal;

6 (2) To detach or remove only the feathers, fan, beard or spurs or any or all of these parts  
 7 from a game bird;

8 (3) To intentionally dispose of or abandon any portion of a game fish suitable for food in  
 9 the fields or woods or about the streams of the state;

10 (4) To leave a wounded or killed game animal or game bird in the fields or woods of the  
 11 state without making a reasonable effort to retrieve and render it for consumption or use: *Provided,*  
 12 That nothing in this subsection shall be construed as requiring any person to retrieve a wounded  
 13 game animal or game bird if such retrieval would constitute a violation of section seven of this  
 14 article; or

15 (5) To transport, store or hang the carcass of a game animal, game bird or game fish in a  
 16 manner that renders it unfit for human consumption.

17 (b) Any person violating the provisions of this section is guilty of a misdemeanor and, upon

18 conviction thereof, shall be subject to the following penalties:

19 (1) With respect to big game as defined in section two, article one of this chapter, a fine of  
20 not less than \$500 nor more than \$2,500, or confined in jail not less than ten days nor more than  
21 one hundred days, or both fined and confined. Additionally, the person shall be subject to the  
22 applicable forfeiture provisions set forth in section five-a of this article. Further, the person's  
23 hunting and fishing licenses shall be suspended for five years.

24 (2) With respect to all other game animals, game birds or game fish, a fine of not less than  
25 \$100 nor more than \$1,000, or confined in jail not less than ten days nor more than one hundred  
26 days, or both fined and confined.

NOTE: The purpose of this bill is to prohibit the wanton waste of game animals, game birds or game fish.

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