

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 3020

BY DELEGATES HARSHBARGER, HOWELL, COWLES,
AMBLER, BOGGS, PAYNTER, ATKINSON, KESSINGER,
ELDRIDGE AND STATLER

[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 offenses of hunting, trapping or fishing on the lands of another
 3 person, entering on to posted lands and destroying posted land signs; and setting the
 4 penalties to match 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, subsection (a), section seven, section eight, or section ten, article two~~ of this chapter
 10 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100
 11 nor more than \$500 and shall be imprisoned for not less than ten days nor more than one hundred
 12 days: *Provided, however*, That any person who is in violation of section twenty-seven, article two
 13 of this chapter as a result of their failure to have a valid Class E nonresident hunting and trapping
 14 license, as defined by section forty-two-d of this article, or a valid Class EE nonresident bear
 15 hunting license, as defined by section forty-two-e of this article, shall be guilty of a misdemeanor
 16 and, upon conviction thereof, shall be fined not less than \$250 nor more than \$500, or confined
 17 in jail not less than ten nor more than one hundred days, or both fined and imprisoned: *Provided*

18 *further*, That any person who is in violation of section twenty-seven, article two of this chapter as
19 a result of their failure to have a Class F nonresident fishing license, as defined by section forty-
20 two-f of this article, shall be guilty of a misdemeanor and, upon conviction thereof, fined not less
21 than \$100 nor more than \$300 or confined in jail not less than ten nor more than one hundred
22 days, or both fined and imprisoned: *And provided further*, That any person violating any parking
23 or speeding regulations as promulgated by the director on any state parks, state forests, public
24 hunting and fishing areas and all other lands and waters owned, leased or under the control of
25 the Division of Natural Resources shall be guilty of a misdemeanor and, upon conviction thereof,
26 shall be fined not less than \$2 nor more than \$100 or imprisoned in jail not more than ten days,
27 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.