

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 423

BY SENATORS MAYNARD AND CLINE

[Introduced January 30, 2018; Referred
to the Committee on Natural Resources; and then to the
Committee on 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:

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 10 or more than 100 days, or be both fined and
 5 imprisoned within the limitations aforesaid and, in the case of a violation by a corporation, every
 6 officer or agent thereof directing or engaging in such violation shall be guilty of a misdemeanor
 7 and, upon conviction thereof, shall be subject to the same penalties and punishment as herein
 8 provided: *Provided*, That any person violating ~~subdivision (3), section five, article two of this~~
 9 ~~chapter~~ §20-2-5(a)(3), §20-2-7(a), §20-2-8, or §20-2-10 of this code shall be guilty of a
 10 misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500
 11 and shall be imprisoned for not less than 10 days nor more than 100 days: *Provided, however*,
 12 That any person who is in violation of §20-2-27 of this code as a result of their failure to have a
 13 valid Class E nonresident hunting and trapping license, as defined by ~~section forty-two d of this~~
 14 ~~article~~ §20-2-42d of this code, or a valid Class EE nonresident bear hunting license, as defined
 15 by ~~section forty-two e of this article~~ §20-2-42e of this code, shall be guilty of a misdemeanor and,
 16 upon conviction thereof, shall be fined not less than \$250 nor more than \$500, or confined in jail
 17 not less than 10 nor more than 100 days, or both fined and imprisoned: *Provided further*, That
 18 any person who is in violation of §20-2-27 of this code as a result of their failure to have a Class
 19 F nonresident fishing license, as defined by §20-2-42f of this code, shall be guilty of a

20 misdemeanor and, upon conviction thereof, fined not less than \$100 nor more than \$300 or
21 confined in jail not less than 10 nor more than 100 days, or both fined and imprisoned: *And*
22 *provided further*, That any person violating any parking or speeding regulations as promulgated
23 by the director on any state parks, state forests, public hunting and fishing areas, and all other
24 lands and waters owned, leased, or under the control of the Division of Natural Resources shall
25 be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$2 nor more
26 than \$100 or imprisoned in jail not more than 10 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.