

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 423**

BY SENATORS MAYNARD AND CLINE

[Originating in the Committee on Natural Resources;

Reported on February 15, 2018]

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 onto posted lands, and destroying posted land signs; and raising the  
4 range of fines that a court may impose for such offenses.

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

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