

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **Senate Bill 305**

BY SENATORS HAMILTON, BOSO, IHLENFELD, JEFFRIES,  
SMITH, ROMANO, WOELFEL, LINDSAY, BALDWIN, BEACH,  
CLINE, AND TAKUBO

[Introduced January 15, 2019; Referred  
to the Committee on Natural Resources; and then to the  
Committee on 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 wasting of big game animals; defining a  
3 term; and creating a misdemeanor penalty.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 2. WILDLIFE RESOURCES.**

### **§20-2-5i. Waste of big game animals; penalties.**

1 (a) A person may not waste big game as that term is defined in §20-1-2 of this code that  
2 has been wounded, killed or taken while hunting. For purposes of this section, "waste" means:

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

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

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

9 (4) To leave wounded or killed big game in the fields or woods or about the streams of the  
10 state without making a reasonable effort to retrieve and render it for consumption or use: *Provided,*  
11 That nothing in this subsection shall be construed as requiring any person to retrieve wounded  
12 big game if such retrieval would constitute a violation of §20-2-7 of this code; or

13 (5) To transport, store or hang the carcass of big game in a manner that renders it unfit  
14 for human consumption.

15 (b) Any person violating the provisions of this section is guilty of a misdemeanor and, upon  
16 conviction, shall be fined not less than \$500 nor more than \$2,500, or confined in jail not less than  
17 10 days nor more than 100 days, or both fined and confined. Additionally, the person is subject  
18 to the applicable forfeiture provisions set forth in §20-2-5a of this code. Further, the person's  
19 hunting and fishing licenses shall be suspended for five years.

NOTE: The purpose of this bill is to prohibit the wasting of big game animals. The bill defines a term and creates a misdemeanor penalty.

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