

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Engrossed**

**Committee Substitute**

**for**

**Senate Bill 389**

SENATORS MAYNARD, BEACH, CLINE, AND HAMILTON,

*original sponsors*

[Originating in the Committee on Natural Resources;

Reported on January 30, 2019]



1 A BILL to amend and reenact §20-2-30a of the Code of West Virginia, 1931, as amended, relating  
2 to a lawful method for a developmentally disabled person to purchase a base hunting  
3 license when that person attends an on-site hunter training course and successfully  
4 completes all nonwritten aspects of the course to receive a certificate but is unable to  
5 successfully complete the required course for the certificate of training; providing that said  
6 developmentally disabled person possessing the base hunting license may hunt when  
7 accompanied and directly supervised by a person 18 years of age or older; and providing  
8 for criminal penalties.

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

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

### **§20-2-30a. Certificate of training; falsifying, altering, forging, counterfeiting, or uttering training certificate; modified certificate of training; penalties.**

1 (a) Notwithstanding any other provisions of this article, no base hunting license may be  
2 issued to any person who was born on or after January 1, 1975, unless the person submits to the  
3 ~~person authorized to issue hunting licenses~~ a certificate of training as provided in this section or  
4 proof of completion of any course which that promotes as a major objective safety in the handling  
5 of firearms, ~~and of bow and arrows~~ archery tackle, and the use of tree stands and which course  
6 is approved by the Hunter Education Association or the director. ~~or provides a State of West~~  
7 ~~Virginia~~ A resident or nonresident may show a State of West Virginia hunting license from the  
8 previous hunting season that displays a certification of training, or ~~attests~~ they may attest that a  
9 hunter training course has been completed when purchasing a license or stamp online; *Provided,*  
10 ~~That after January 1, 2013~~ however, a person may be issued a Class AH, Class AHJ, Class AAH,  
11 and Class AAHJ apprentice hunting and trapping license pursuant to the provisions of §20-2-42y  
12 of this code ~~and is exempt from~~ without completing the hunter training requirements set forth  
13 herein.

14 (b) (1) The director shall establish a course in the safe handling of firearms ~~of bows and~~  
15 ~~arrows~~ archery tackle, and the use of tree stands such as the course approved by the Hunter  
16 Education Association. This course shall be given at least once per year in each county in this  
17 state and shall be taught by instructors certified by the director. In establishing and conducting  
18 this course, the director may cooperate with any reputable association or organization which  
19 promotes as a major objective safety in the handling of firearms, ~~of bows and arrows~~ archery  
20 tackle, and the use of tree stands. ~~Provided, That~~

21 (2) ~~any~~ A person holding a Class A-L or AB-L lifetime resident license obtained prior to his  
22 or her 15th birthday shall be required to obtain a certificate of training as provided in this section  
23 before hunting or trapping pursuant to said license. This course of instruction shall be offered  
24 without charge, except for materials or ammunition consumed. Upon satisfactory completion of  
25 the course, each person instructed in the course shall be issued a certificate of training for the  
26 purposes of complying with the requirements of subsection (a) of this section. The certificate shall  
27 be in the form prescribed by the director and shall be valid for hunting license application  
28 purposes.

29 (c) (1) Upon satisfactory completion of this course, any person whose hunting license has  
30 been revoked for a violation of the provisions of this chapter may petition the director for a  
31 reduction of his or her revocation time; however, under no circumstances may the time be reduced  
32 to less than one year.

33 (2) Successful completion of this course shall be required to consider the reinstatement of  
34 a hunting license of any person whose license has been revoked due to a conviction for negligent  
35 shooting of a human being or of livestock under the provisions of §20-2-57 of this code, and who  
36 petitions the director for an early reinstatement of his or her hunting privileges. Such a petitioner  
37 shall also comply with the other requirements for consideration of reinstatement contained in §20-  
38 2-38 of this code.

39 (d) It is unlawful for any person to falsify, alter, forge, counterfeit, or utter a certificate of  
40 training or a modified certificate of training. Any person who violates the provisions of this  
41 subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than  
42 \$500 nor more than \$1,000, or confined in jail for a period not to exceed one year, or both fined  
43 and imprisoned.

44 (e) ~~Nothing herein contained shall~~ This section does not mandate that ~~any a~~ county school  
45 district ~~in the state~~ be responsible for implementing hunter safety education programs.

46 (f) (1) Notwithstanding the provisions of subsection (a) of this section, a base hunting  
47 license may be issued to any person who has a developmental disability whose disability  
48 affects his or her ability to undertake a written test. The developmentally disabled person must  
49 attend an on-site hunter training course and must successfully complete all nonwritten aspects  
50 of the course to receive a modified certificate of training to purchase a base hunting license.  
51 For purposes of this subsection, "developmentally disabled" has the same meaning as  
52 prescribed in §20-2-28i of this code.

53 (2) As part of the application process for a license purchased under a modified certificate  
54 of training, a person with a developmental disability shall present to the division a written  
55 application form furnished by the director and signed by a licensed physician indicating that the  
56 person is:

57 (A) Unable to successfully complete a standard written test administered as part of the  
58 hunter training course;

59 (B) At all times capable of understanding and following directions given by another person;  
60 and

61 (C) Not a danger to himself or herself or others while engaged in hunting.

62 (3) After providing an initial signature, the licensed physician may, at his or her  
63 discretion, require the developmentally disabled person to be reexamined or otherwise  
64 redetermined to qualify as required by this section.

65           (A) The director shall promulgate rules for issuing a temporary modified certificate of  
66 training for developmentally disabled individuals who have a potentially progressive illness.

67           (B) In no event may a physician be held liable for criminal or civil acts of a  
68 developmentally disabled person who obtains a modified certificate of training.

69           (4) A person with a license purchased under a modified certificate of training shall not  
70 hunt or trap unless he or she is in possession of the modified certificate of training in addition  
71 to all license and documents or other lawful authorizations as prescribed in §20-2-37 of this  
72 code and is accompanied and directly supervised by an adult 18 years of age or older who  
73 either possesses a valid West Virginia hunting license or has the lawful privilege to hunt  
74 pursuant to the provisions of this chapter. For purposes of this subdivision, “accompanied  
75 and directly supervised” means that a person maintains a close visual and verbal contact  
76 with, provides adequate direction to, and can assume control of the firearm, bow, or  
77 crossbow from the developmentally disabled person.

78           (5) Any person violating the provisions of this subsection is guilty of a misdemeanor  
79 and, upon conviction thereof, shall be subject to the punishment and penalties prescribed  
80 in §20-7-9 of this code.