

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2791

BY DELEGATES HARSHBARGER, CADLE, WORRELL,
WESTFALL, TONEY, STORCH, COOPER, D. KELLY, BYRD
AND J. KELLY

[BY REQUEST OF THE DIVISION OF NATURAL
RESOURCES,
DEPARTMENT OF COMMERCE]

[Introduced January 31, 2019; Referred
to the Committee on Agriculture and Natural
Resources then the Judiciary.]

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 further
 8 providing criminal penalties for violation of this subsection.

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 is
 6 approved by the hunter education association or the director. ~~or provides a State of West Virginia~~
 7 A resident or nonresident may show a State of West Virginia hunting license from the previous
 8 hunting season that displays a certification of training, or ~~attests~~ they may attest that a hunter
 9 training course has been completed when purchasing a license or stamp online. ~~Provided, That~~
 10 ~~after January 1, 2013~~ However, a person may be issued a Class AH, Class AHJ, Class AAH and
 11 Class AAHJ apprentice hunting and trapping license pursuant to the provisions of section 42y of
 12 this article 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 and ~~of bows~~

15 ~~and 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 and ~~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
32 reduced 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 section 57 of this article, and
36 who petitions the director for an early reinstatement of his or her hunting privileges. Such a
37 petitioner shall also comply with the other requirements for consideration of reinstatement
38 contained in section 38 of this article.

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~~ is 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 affects
48 his or her ability to undertake a written test. The developmentally disabled person must attend an
49 on-site hunter training course and must successfully complete all nonwritten aspects of the course
50 to receive a modified certificate of training to purchase a base hunting license. For purposes of this
51 subsection "developmentally disabled" has the same meaning as prescribed in §20-2-28i of this
52 code.

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

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

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

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

61 (3) A person with a license purchased under a modified certificate of training shall not hunt
62 or trap unless he or she is in possession of the modified certificate of training in addition to all
63 license and documents or other lawful authorizations as prescribed in §20-2-37 of this code, and
64 is accompanied and directly supervised by an adult 18 years of age or older who either
65 possesses a valid West Virginia hunting license or has the lawful privilege to hunt pursuant to
66 the provisions of this chapter. For purposes of this subdivision, "accompanied and directly

67 supervised” means that a person maintains a close visual and verbal contact with,
68 provides adequate direction to and can assume control of the firearm, bow or crossbow
69 from the developmentally disabled person.

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

NOTE: The purpose of this bill is to allow persons with developmental disabilities to receive a base hunting license and to satisfy the training requirements of this section through a modified training course. This bill also authorizes person with developmental disabilities to lawfully hunt while accompanied and directly supervised by another hunter, and provides criminal penalties for violation of this subsection.

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