

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2472

By Delegates Anders, White, and Ridenour

[Introduced February 17, 2025; referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §20-2-5 and §20-2-22a of the Code of West Virginia, 1931, as
2 amended; relating to eliminating the ban on baiting in all counties for game animals.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-5. Unlawful methods of hunting and fishing and other unlawful acts; Sunday hunting.

1 (a) Except as authorized by the director or by law, it is unlawful at any time for any person
2 to:

3 (1) Shoot at any wild bird or wild animal unless it is plainly visible;

4 (2) Dig out, cut out, smoke out, or in any manner take or attempt to take any live wild animal
5 or wild bird out of its den or place of refuge;

6 (3) Use or attempt to use any artificial light or any night vision technology, including image
7 intensification, thermal imaging, or active illumination while hunting, locating, attracting, taking,
8 trapping, or killing any wild bird or wild animal: *Provided*, That it is lawful to hunt or take coyote, fox,
9 raccoon, opossum, or skunk by the use of artificial light or night vision technology, including image
10 intensification, thermal imaging, or active illumination. Any person violating this subdivision is
11 guilty of a misdemeanor and, upon conviction thereof, shall for each offense be fined not less than
12 \$100 nor more than \$500, and shall be confined in jail for not less than 10 days nor more than 100
13 days;

14 (4) Hunt, take, kill, wound, harass, or shoot at wild animals or wild birds from an airplane or
15 other airborne conveyance, a drone or other unmanned aircraft, an automobile, or other land
16 conveyance, or from a motor-driven water conveyance;

17 (5) Use a drone or other unmanned aircraft to hunt, take, wound, harass, transport, or kill a
18 wild bird or wild animal, or to use a drone or other unmanned aircraft to drive or herd any wild bird
19 or wild animal for the purposes of hunting, trapping, or killing;

20 (6) Take any beaver or muskrat by any means other than a trap;

21 (7) Catch, capture, take, hunt, or kill by seine, net, ~~bait~~-trap, or snare or like device a wild

turkey, ruffed grouse, pheasant, or quail;

(8) Intentionally destroy or attempt to destroy the nest or eggs of any wild bird or have in his or her possession the nest or eggs;

(9) Carry an uncased or loaded firearm in the woods of this state or in state parks, state forests, state wildlife management areas, or state rail trails with the following permissible exceptions:

(A) A person in possession of a valid license or permit during open firearms hunting season for wild animals and nonmigratory wild birds where hunting is lawful;

(B) A person hunting or taking unprotected species of wild animals, wild birds, and migratory wild birds during the open season, in the open fields, open water, and open marshes of the state where hunting is lawful;

(C) A person carrying a firearm pursuant to §20-2-6 of this code;

(D) A person carrying a firearm for self-defense who is not prohibited from possessing firearms under state or federal law; or

(E) A person carrying a rifle or shotgun for self-defense who is not prohibited from possessing firearms under state or federal law: *Provided*, That this exception does not apply to an uncased rifle or shotgun carried specifically in state park or state forest recreational facilities and marked trails within state park or state forest borders;

(10) Hunt, catch, take, kill, injure, or pursue a wild animal or wild bird with the use of a ferret;

(11) Buy raw furs, pelts, or skins of fur-bearing animals unless licensed to do so;

(12) Catch, take, kill, or attempt to catch, take, or kill any fish by any means other than by rod, line, and hooks with natural or artificial lures, unless otherwise authorized by the director: *Provided*, That snaring of any species of sucker, carp, fallfish, and creek chub and catching catfish by hand are lawful if done by a holder of a valid license issued pursuant to §20-2-1 *et seq.* of this code or is exempted from licensure pursuant to §20-2-27 or §20-2-28 of this code;

(13) Employ, hire, induce, or persuade, with money, things of value, or by any means, any person to hunt, take, catch, or kill any wild animal or wild bird except those species in which there is no closed season; or to fish for, catch, take, or kill any fish, amphibian, or aquatic life that is protected by rule, or the sale of which is otherwise prohibited;

(14) Hunt, catch, take, kill, capture, pursue, transport, possess, or use any migratory game or nongame birds except as permitted by the Migratory Bird Treaty Act, 16 U.S.C. §703 *et seq.*, and its regulations;

(15) Kill, take, catch, sell, transport, or have in his or her possession, living or dead, any wild bird other than a game bird, including the plumage, skin, or body of any protected bird, irrespective of whether the bird was captured in or out of this state, except the English or European sparrow (*Passer domesticus*), starling (*Sturnus vulgaris*), and cowbird (*Molothrus ater*), which may be killed at any time;

(16) Use dynamite, explosives, or any poison in any waters of the state for the purpose of killing or taking fish. Any person violating this subdivision is guilty of a felony, and upon conviction thereof, shall be fined not more than \$500 or confined for not less than six months nor more than three years, or both fined and confined;

(17) Have a bow and gun, or have a gun and any arrow, in the fields or woods at the same time;

(18) Have a crossbow in the woods or fields, or use a crossbow to hunt, take, or attempt to take any wildlife except as otherwise provided in §20-2-5g and §20-2-42w of this code;

(19) Take or attempt to take turkey, bear, elk, or deer with any arrow unless the arrow is equipped with a point having at least two sharp cutting edges measuring in excess of three-fourths of an inch wide;

(20) Take or attempt to take any wildlife with an arrow having an explosive head or shaft, a poisoned arrow, or an arrow which would affect wildlife by any chemical action;

(21) Shoot an arrow across any public highway;

(22) Permit any dog owned or under his or her control to chase, pursue, or follow the tracks of any wild animal or wild bird, day or night, between May 1 and August 15: *Provided*, That dogs may be trained on wild animals and wild birds, except deer and wild turkeys, and field trials may be held or conducted on the grounds or lands of the owner, or by his or her bona fide tenant, or upon the grounds or lands of another person with his or her written permission, or on public lands at any time. Nonresidents may not train dogs in this state at any time except during the legal small game hunting season. A person training dogs may not have firearms or other implements for taking wildlife in his or her possession during the closed season on wild animals and wild birds, except a person carrying a firearm for self-defense who is not prohibited from possessing firearms under state or federal law;

(23) Conduct or participate in a trial, including a field trial, shoot-to-retrieve field trial, water race, or wild hunt: *Provided*, That any person, group of persons, club, or organization may hold a trial upon obtaining a permit pursuant to §20-2-56 of this code. The person responsible for obtaining the permit shall prepare and keep an accurate record of the names and addresses of all persons participating in the trial and make the records readily available for inspection by any natural resources police officer upon request;

(24) Hunt, catch, take, kill, or attempt to hunt, catch, take, or kill any wild animal, wild bird, or wild fowl except during open seasons;

(25) Hunt or conduct hunts for a fee when the person is not physically present in the same location as the wildlife being hunted within West Virginia; and

(26) Catch, take, kill, or attempt to catch, take, or kill any fish by any means within 200 feet of division personnel engaged in stocking fish in public waters.

(b) Notwithstanding any ballot measure relating to Sunday hunting, it is lawful to hunt throughout the State of West Virginia on private lands on Sundays with the written consent of the private landowner pursuant to §20-2-7 of this code, and it is lawful to hunt throughout the State of West Virginia on federal land where hunting is permitted, in state forests, on land owned or leased

by the state for wildlife purposes, and on land managed by the state for wildlife purposes pursuant to a cooperative agreement.

(c) Baiting is permissible in all counties of this state for game animals.

§20-2-22a. Hunting, tagging and reporting bear; procedures applicable to property destruction by bear; penalties.

(a) A person may not hunt, capture, or kill any bear, or have in his or her possession any bear or bear parts, except during the hunting season for bear in the manner designated by rule or law. For the purposes of this section, bear parts include, but are not limited to, the pelt, gallbladder, skull and claws of bear.

(b) A person who kills a bear shall, within twenty-four hours after the killing, electronically register the bear. A game tag number shall be issued to the person and recorded in writing with the person's name and address, or on a field tag and shall remain on the skin until it is tanned or mounted. Any bear or bear parts not properly tagged shall be forfeited to the state for disposal to a charitable institution, school or as otherwise designated by the director.

(c) Training dogs on bears or pursuing bears with dogs is the hunting of bear for all purposes of this chapter, including all applicable regulations and license requirements.

(d) It is unlawful:

(1) To hunt bear without a bear damage stamp, as prescribed in section forty-four-b of this article, in addition to a hunting license as prescribed in this article;

(2) To hunt a bear with:

(A) A shotgun using ammunition loaded with more than one solid ball; or

(B) A rifle of less than twenty-five caliber using rimfire ammunition;

(3) To kill or attempt to kill, or wound or attempt to wound, any bear through the use of bait, poison, explosives, traps or deadfalls or to feed bears at any time; ~~For purposes of this section, bait includes, but is not limited to, corn and other grains, animal carcasses or animal remains, grease, sugars in any form, scent attractants and other edible enticements, and an area is~~

~~considered baited for ten days after all bait has been removed~~

(4) To shoot at or kill:

(A) A bear weighing less than seventy-five pounds live weight or fifty pounds field dressed weight, after removal of all internal organs;

(B) Any bear accompanied by a cub; or

(C) Any bear cub so accompanied, regardless of its weight;

(5) To transport or possess any part of a bear not tagged in accordance with the provisions of this section;

(6) To possess, harvest, sell or purchase bear parts obtained from bear killed in violation of this section; or

(7) Except as provided in §20-2-5j of this code, to organize for commercial purposes or to professionally outfit a bear hunt, or to give or receive any consideration whatsoever or any donation in money, goods or services in connection with a bear hunt, notwithstanding the provisions of sections twenty-three and twenty-four of this article.

(e) The following provisions apply to bear damaging or destroying property:

(1)(A) Any property owner or lessee who has suffered damage to real or personal property, including loss occasioned by the death or injury of livestock or the unborn issue of livestock, caused by an act of a bear may complain to any natural resources police officer of the division for protection against the bear.

(B) Upon receipt of the complaint, the officer shall immediately investigate the circumstances of the complaint. If the officer is unable to personally investigate the complaint, he or she shall designate a wildlife biologist to investigate on his or her behalf.

(C) If the complaint is found to be justified, the officer or designated wildlife biologist may issue a permit to kill the bear that caused the property damage or may authorize the owner and other residents to proceed to hunt, destroy or capture the bear that caused the property damage: *Provided, That only the natural resources police officer or the wildlife biologist may recommend*

other measures to end or minimize property damage: *Provided, however,* That, if out-of-state dogs are used in the hunt, the owners of the dogs are the only nonresidents permitted to participate in hunting the bear.

(2)(A) When a property owner has suffered damage to real or personal property as the result of an act by a bear, the owner shall file a report with the director of the division. A bear damage report shall be completed by a representative of the division and shall state whether or not the bear was hunted and destroyed or killed under authorization of a depredation permit and, if so, the sex and weight shall be recorded and a premolar tooth collected from the bear, all of which shall be submitted with the report. The report shall also include an appraisal of the property damage occasioned by the bear fixing the value of the property lost. Bear damage claims will not be accepted for personal and real property which is commonly used for the purposes of feeding, ~~baiting~~, observing or hunting wildlife, including, but not limited to, hunting blinds, tree stands, artificial feeders, game or trail cameras and crops planted for the purposes of feeding ~~or baiting~~ wildlife.

(B) The report shall be ruled upon and the alleged damages examined by a commission comprised of the complaining property owner, an officer of the division and a person to be jointly selected by the officer and the complaining property owner.

(C) The division shall establish the procedures to be followed in presenting and deciding claims, issuing bear depredation permits and organizing bear hunts under this section in accordance with §29A-3-1 *et seq.* of this code.

(D) All claims shall be paid in the first instance from the Bear Damage Fund provided in section forty-four-b of this article: *Provided,* That the claimant shall submit accurate information as to whether he or she is insured for the damages caused by the acts of bear on forms prescribed by the director, and all damage claims shall first be made by the claimant against any insurance policies before payment may be approved from the Bear Damage Fund. Claims for an award of compensation from the Bear Damage Fund shall be reduced or denied in the amount the claimant

74 is actually reimbursed by insurance for the economic loss upon which the claim is based. In the
75 event the fund is insufficient to pay all claims determined by the commission to be just and proper,
76 the remainder due to owners of lost or destroyed property shall be paid from the special revenue
77 account of the division.

78 (3) In all cases where the act of the bear complained of by the property owner is the killing
79 of livestock, the value to be established is the fair market value of the livestock at the date of death.
80 In cases where the livestock killed is pregnant, the total value is the sum of the values of the
81 mother and the unborn issue, with the value of the unborn issue to be determined on the basis of
82 the fair market value of the issue had it been born.

83 (f) *Criminal penalties.* (1) Any person who commits a violation of the provisions of this
84 section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500
85 nor more than \$1,000, which is not subject to suspension by the court, confined in jail not less than
86 10 nor more than 30 days, or both fined and confined. Further, the person's hunting and fishing
87 licenses shall be assigned six points, however, the hunting and fishing licenses of any person
88 convicted of a violation of this section which results in the killing or death of a bear shall be
89 suspended for two years.

90 (2) Any person who commits a second violation of the provisions of this section is guilty of a
91 misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than
92 \$3,000, which is not subject to suspension by the court, confined in jail not less than 30 days nor
93 more than 100 days, or both fined and confined. The person's hunting and fishing licenses shall be
94 suspended for five years.

95 (3) Any person who commits a third or subsequent violation of the provisions of this section
96 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$2,500 nor
97 more than \$5,000, which is not subject to suspension by the court, confined in jail not less than six
98 months nor more than one year, or both fined and confined. The person's hunting and fishing
99 licenses shall be suspended for 10 years.

NOTE: The purpose of this bill is to eliminate the ban on baiting in all counties for game animals.

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