

1                                   **Senate Bill No. 358**

2                                   (By Senators Laird and Miller)

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4           [Introduced January 31, 2011; referred to the Committee on

5                                   Natural Resources.]

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10 A BILL to amend and reenact §20-2-4 of the Code of West Virginia,

11           1931, as amended, relating to electronic registration of

12           wildlife.

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

14           That §20-2-4 of the Code of West Virginia, 1931, as amended,

15 be amended and reenacted to read as follows:

16 **ARTICLE 2.   WILDLIFE RESOURCES.**

17 **§20-2-4.   Possession of wildlife.**

18           Except for wildlife, lawfully taken, killed or obtained, no

19 person ~~shall~~ may have in his or her possession any wildlife, or

20 parts thereof, during closed seasons. It is unlawful to possess

21 any wildlife, or parts thereof, which have been illegally taken,

22 killed or obtained. Any wildlife illegally taken, killed or

23 possessed shall be forfeited to the state and shall be counted

24 toward the daily, seasonal, bag, creel and possession limit of the

25 person in possession of, or responsible for, the illegal taking or

26 killing of any wildlife.

27           Wildlife lawfully taken outside of this state ~~shall be~~ is

1 subject to the same laws and rules as that taken within this state.

2 Migratory wild birds ~~shall~~ may be possessed only in accordance  
3 with the "Migratory Bird Treaty Act" and regulations thereunder.

4 The restrictions in this section do not apply to the director  
5 or duly authorized agents, who may, in any manner, take or maintain  
6 in captivity, at any time, any wildlife for the purpose of carrying  
7 out the provisions of this chapter.

8 Wildlife, except protected birds, spotted fawn, and bear cubs,  
9 killed or mortally wounded as a result of being accidentally or  
10 inadvertently struck by a motor vehicle may be lawfully possessed  
11 ~~Provided, That if~~ the possessor of ~~such the~~ wildlife ~~shall provide~~  
12 provides notice of the claim within twelve hours to a relevant law-  
13 enforcement agency, and ~~obtain~~ obtains a nonhunting game tag within  
14 twenty-four hours of possession. The director shall propose  
15 administrative policy which ~~shall address~~ addresses the means,  
16 methods and administrative procedures for implementing the  
17 provisions of this section.

18 Persons required to deliver wildlife to an official checking  
19 station may, in accordance with rules promulgated by the director,  
20 electronically register the wildlife in lieu of the delivery to an  
21 official checking station. "Electronically register" means  
22 submission of all necessary and relevant information to the  
23 division, in the manner designated by rule, in lieu of delivery of  
24 the wildlife to an official checking station. The director may  
25 promulgate rules, pursuant to article three, chapter twenty-nine-a  
26 of this code, governing the electronic registration of wildlife.

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(NOTE: The purpose of this bill is to authorize electronic registration of wildlife.

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