

ENROLLED

Senate Bill No. 358

(SENATORS LAIRD AND MILLER)

[Passed March 4, 2011; in effect ninety days from passage.]

AN ACT to amend and reenact §20-2-4 of the Code of West Virginia, 1931, as amended, relating to electronic registration of wildlife.

Be it enacted by the Legislature of West Virginia:

That §20-2-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-4. Possession of wildlife.

1 Except for wildlife, lawfully taken, killed or obtained, no
2 person may have in his or her possession any wildlife, or
3 parts thereof, during closed seasons. It is unlawful to possess
4 any wildlife, or parts thereof, which have been illegally
5 taken, killed or obtained. Any wildlife illegally taken, killed
6 or possessed shall be forfeited to the state and shall be
7 counted toward the daily, seasonal, bag, creel and possession
8 limit of the person in possession of, or responsible for, the
9 illegal taking or killing of any wildlife.

10 Wildlife lawfully taken outside of this state is subject to
11 the same laws and rules as that taken within this state.

12 Migratory wild birds may be possessed only in accordance
13 with the "Migratory Bird Treaty Act" and regulations
14 thereunder.

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

19 Wildlife, except protected birds, spotted fawn, and bear
20 cubs, killed or mortally wounded as a result of being acci-
21 dentally or inadvertently struck by a motor vehicle may be
22 lawfully possessed if the possessor of the wildlife provides
23 notice of the claim within twelve hours to a relevant law-
24 enforcement agency, and obtains a nonhunting game tag
25 within twenty-four hours of possession. The director shall
26 propose administrative policy which addresses the means,
27 methods and administrative procedures for implementing the
28 provisions of this section.

29 Persons required to deliver wildlife to an official checking
30 station may, in accordance with rules promulgated by the
31 director, electronically register the wildlife in lieu of the
32 delivery to an official checking station. "Electronically
33 register" means submission of all necessary and relevant
34 information to the division, in the manner designated by
35 rule, in lieu of delivery of the wildlife to an official checking
36 station. The director may promulgate rules, pursuant to
37 article three, chapter twenty-nine-a of this code, governing
38 the electronic registration of wildlife.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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Acting President of the Senate

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Speaker of the House of Delegates

The within this the
Day of, 2011.

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Governor

