

# Senate Bill No. 358

(By Senators Laird and Miller)

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[Introduced January 31, 2011; referred to  
the Committee on Natural Resources.]

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A BILL 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 ~~shall~~ may have in his or her possession any wildlife,  
3 or parts thereof, during closed seasons. It is unlawful to  
4 possess any wildlife, or parts thereof, which have been  
5 illegally taken, killed or obtained. Any wildlife illegally

6 taken, killed or possessed shall be forfeited to the state and  
7 shall be counted toward the daily, seasonal, bag, creel and  
8 possession limit of the person in possession of, or responsible  
9 for, the illegal taking or killing of any wildlife.

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

13 Migratory wild birds ~~shall~~ may be possessed only in  
14 accordance with the “Migratory Bird Treaty Act” and  
15 regulations thereunder.

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

20 Wildlife, except protected birds, spotted fawn, and bear  
21 cubs, killed or mortally wounded as a result of being acci-  
22 dentally or inadvertently struck by a motor vehicle may be  
23 lawfully possessed ~~Provided, That if~~ if the possessor of ~~such the~~  
24 wildlife ~~shall provide~~ provides notice of the claim within  
25 twelve hours to a relevant law-enforcement agency, and  
26 ~~obtain~~ obtains a nonhunting game tag within twenty-four  
27 hours of possession. The director shall propose administra-

28 tive policy which ~~shall address~~ addresses the means, methods  
29 and administrative procedures for implementing the provi-  
30 sions of this section.

31 Persons required to deliver wildlife to an official checking  
32 station may, in accordance with rules promulgated by the  
33 director, electronically register the wildlife in lieu of the  
34 delivery to an official checking station. “Electronically  
35 register” means submission of all necessary and relevant  
36 information to the division, in the manner designated by  
37 rule, in lieu of delivery of the wildlife to an official checking  
38 station. The director may promulgate rules, pursuant to  
39 article three, chapter twenty-nine-a of this code, governing  
40 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.)