

1 **H. B. 2883**

2
3 (By Delegates Frich, A. Evans, Romine, Ellem, Williams,
4 Ireland, Hartman, Miller and Pethtel)

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6 [Introduced March 8, 2013; referred to the
7 Committee on Natural Resources then the Judiciary.]

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10 A BILL to amend and reenact §20-2-7 of the Code of West Virginia,
11 1931, as amended, relating to hunting, trapping or fishing on
12 lands of another person; and absolving the landowner and his
13 or her tenant or agent of civil liability for injuries
14 suffered by a person hunting, trapping or fishing on his or
15 her lands with or without written permission.

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

17 That §20-2-7 of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted to read as follows:

19 **ARTICLE 2. WILDLIFE RESOURCES.**

20 **§20-2-7. Hunting, trapping or fishing on lands of another; damages**
21 **and restitution.**

22 (a) It is unlawful for any person to shoot, hunt, fish or trap
23 upon the fenced, enclosed or posted lands of another person; or to
24 peel trees or timber, build fires or do any other act in connection
25 with shooting, hunting, fishing or trapping on the lands without

1 written permission in his or her possession from the owner, tenant
2 or agent of the owner. The owner, tenant or agent of the owner who
3 has given written permission is not liable in civil damages for any
4 injuries received on the lands by the person or persons to whom
5 permission was given. An owner, tenant or agent of the owner also
6 is not liable in civil damages for injuries received by persons
7 shooting, hunting, fishing or trapping on the grounds or lands
8 without written permission.

9 (b) Any person who hunts, traps or fishes on land without the
10 permission of the owner, tenant or agent of the owner is guilty of
11 a misdemeanor and, liable to the owner or person suffering damage
12 for all costs and damages for: (1) Killing or injuring any
13 domestic animal, fowl, or private game farm animal; (2) cutting,
14 destroying or damaging any bars, gates or fence or any part of the
15 property; or (3) leaving open any bars or gates resulting in damage
16 to the property.

17 (c) Restitution of the value of the property or animals
18 injured, damaged or destroyed shall be required upon conviction
19 pursuant to sections four and five, article eleven-a, chapter
20 sixty-one of this code. The restitution ordered for private game
21 farm animals shall be equivalent to or greater than the replacement
22 values for deer listed in section five-a in this article.

23 (d) The owner, tenant or agent of the owner may arrest a
24 person violating this section and immediately take him or her

1 before a magistrate. The owner, tenant or agent of the owner is
2 vested with the powers and rights of a natural resources police
3 officer for these purposes. The officers charged with the
4 enforcement of the provisions of this chapter shall enforce the
5 provisions of this section if requested to do so by the owner,
6 tenant or agent of the owner, but not otherwise.

7 (e) The provisions of subsections (b) and (d) of this section
8 related to criminal penalties and being subject to arrest are
9 inapplicable to a person whose dog, without the person's direction
10 or encouragement, travels onto the fenced, enclosed or posted land
11 of another in pursuit of an animal or wild bird: *Provided*, That
12 the pursuit does not result in the taking of game from the fenced,
13 enclosed or posted land and does not result in the killing of
14 domestic animals or fowl or other damage to or on the fenced,
15 enclosed or posted land.

NOTE: The purpose of this bill is to absolve the landowner,
tenant or agent of the landowner from any civil liability for
injuries to any persons hunting, trapping or fishing on the
landowner's land with or without written permission.

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