

1 ENROLLED

2 **H. B. 4431**

3
4 (By Delegates Swartzmiller, Diserio, D. Poling,
5 Jones, Boggs, Lynch, Young, R. Phillips, Marcum,
6 Manypenny and Ferro)
7

8 [Passed March 7, 2014; in effect ninety days from passage.]
9

10 AN ACT to amend and reenact §20-2-37 of the Code of West Virginia,
11 1931, as amended, relating to clarifying that persons who
12 possess firearms, hunting dogs or other indicia of hunting or
13 taking wildlife in or near fields, woods or streams do not
14 necessarily need to have a hunting license; and requiring the
15 totality of the circumstances be considered before it can be
16 concluded that a person has been hunting, fishing, trapping or
17 taking wildlife.

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

19 That §20-2-37 of the Code of West Virginia, 1931, as amended,
20 be amended and reenacted to read as follows:

21 **ARTICLE 2. WILDLIFE RESOURCES.**

22 **§20-2-37. Display of license, etc., by persons in possession of**
23 **hunting, fishing, etc., paraphernalia.**

24 (a) Any person having in his or her possession in or near the
25 fields or woods, or about the streams of this state, any wildlife,

1 hunting dog or other hunting, fishing or trapping paraphernalia,
2 implements or devices suitable for taking wildlife under
3 circumstances indicating he or she has been hunting, trapping,
4 fishing or otherwise taking wildlife, shall, upon demand of any
5 officer authorized to enforce this chapter:

6 (1) State his or her correct name and address;

7 (2) Exhibit for inspection all license and documents or other
8 lawful authorization for hunting, fishing, trapping or otherwise
9 taking wildlife required to be carried pursuant to this chapter;
10 and

11 (3) Exhibit for inspection all such wildlife, paraphernalia,
12 implements or devices which he or she has in his or her possession.

13 (b) Mere possession of a firearm does not, in and of itself,
14 indicate that a person has been hunting, fishing, trapping or
15 taking wildlife, but may be considered along with other evidence in
16 a determination as to whether a person has been hunting, fishing,
17 trapping or otherwise taking wildlife.

18 (c) Nothing in this section may be construed as authorizing
19 searches that violate article three, section six of the West
20 Virginia Constitution or the Fourth Amendment to the Constitution
21 of the United States, nor may anything in this section be construed
22 as effecting a waiver of these Constitutional provisions.

2014R1875A