

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 278**

4 (By Senator Karnes)

5 _____
6 [Originating in the Committee on Natural Resources;
7 reported February 17, 2015.]
8 _____

9
10
11 A BILL to amend and reenact §20-2-5, §20-2-5g, §20-2-22a and §20-2-42w of the Code of West
12 Virginia, 1931, as amended, all relating to lawful and unlawful methods of hunting and
13 fishing; prohibiting hunting with night vision technology, drone or other unmanned aircraft;
14 clarifying when a person may carry certain firearms; permitting a person to carry a gun for
15 self defense while in the woods; permitting hunting with crossbows with certain limitations;
16 clarifying bear laws and Class Y permits; and making certain technical corrections.

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

18 That §20-2-5, §20-2-5g, §20-2-22a and §20-2-42w of the Code of West Virginia, 1931, as
19 amended, be amended and reenacted, all to read as follows:

20 **ARTICLE 2. WILDLIFE RESOURCES.**

21 **§20-2-5. Unlawful methods of hunting and fishing and other unlawful acts.**

22 Except as authorized by the director or by law, it is unlawful at any time for any person to:

1 (1) Shoot at ~~or to shoot~~ any wild bird or wild animal unless it is plainly visible ~~to him or her~~;

2 (2) Dig out, cut out, ~~or~~ smoke out, or in any manner take or attempt to take any live wild
3 animal or wild bird out of its den or place of refuge ~~except as may be authorized by rules~~
4 ~~promulgated by the director or by law~~;

5 (3) ~~Make use of, or take advantage of~~; Use or attempt to use any artificial light or any night
6 vision technology, including image intensification, thermal imaging or active illumination while in
7 hunting, locating, attracting, taking, trapping or killing any wild bird or wild animal: ~~or to attempt~~
8 ~~to do so, while having in his or her possession or subject to his or her control, or for any person~~
9 ~~accompanying him or her to have in his or her possession or subject to his or her control, any~~
10 ~~firearm, whether cased or uncased, bow, arrow, or both, or other implement or device suitable for~~
11 ~~taking, killing or trapping a wild bird or animal: *Provided*, That it is lawful to hunt or take coyote,~~
12 ~~fox, raccoon, opossum or skunk by the use of artificial light or night vision technology. subject to~~
13 ~~the restrictions set forth in this subdivision. No person is guilty of a violation of this subdivision~~
14 ~~merely because he or she looks for, looks at, attracts or makes motionless a wild bird or wild animal~~
15 ~~with or by the use of an artificial light, unless at the time he or she has in his or her possession a~~
16 ~~firearm, whether cased or uncased, bow, arrow, or both, or other implement or device suitable for~~
17 ~~taking, killing or trapping a wild bird or wild animal, or unless the artificial light (other than the head~~
18 ~~lamps of an automobile or other land conveyance) is attached to, a part of or used from within or~~
19 ~~upon an automobile or other land conveyance.~~

20 — Any person violating the provisions of this subdivision is guilty of a misdemeanor and, upon
21 conviction thereof, shall for each offense be fined not less than \$100 nor more than \$500, and shall
22 be confined in jail for not less than ten days nor more than one hundred days;

1 (4) Hunt ~~for~~, take, kill, wound or shoot at wild animals or wild birds from an airplane or other
2 airborne conveyance, a drone or other unmanned aircraft, an automobile or other land conveyance,
3 or from a motor-driven water conveyance ~~except as authorized by rules promulgated by the director;~~

4 (5) Utilize a drone or other unmanned aircraft to hunt, take or kill a wild bird or wild animal,
5 or to utilize a drone or other unmanned aircraft to drive or herd any wild bird or wild animal for the
6 purposes of hunting, trapping or killing;

7 (5) (6) Take any beaver or muskrat by any means other than by a trap;

8 (6) (7) Catch, capture, take or kill by seine, net, bait, trap or snare or like device ~~of any kind~~
9 ~~any~~ a bear, wild turkey, ruffed grouse, pheasant or quail;

10 (7) (8) Destroy or attempt to destroy ~~needlessly or willfully~~ the nest or eggs of any wild bird
11 or have in his or her possession the nest or eggs unless accidental or authorized to do so ~~under rules~~
12 ~~promulgated by or under~~ a permit issued by the director;

13 (8) ~~Except as provided in section six of this article, carry~~ (9) Carry an uncased or loaded gun
14 ~~in any of the woods of this state except during the~~ with the following permissible exceptions:

15 (A) A person in possession of a valid license or permit during open firearms hunting season
16 for wild animals and nonmigratory wild birds; within any county of the state unless he or she has in
17 his or her possession a permit in writing issued to him or her by the director: *Provided, That this*
18 section does not prohibit

19 (B) A person hunting or taking of unprotected species of wild animals, and wild birds and
20 migratory wild birds during the open season, in the open fields, open water and open marshes of the
21 state;

22 (C) A person carrying a gun pursuant to sections six and six-a of this article; and

1 (D) A person carrying a gun for self-defense who is not prohibited by section seven, article
2 seven, chapter sixty-one of this code;

3 ~~(9)~~ (10) Have in his or her possession a crossbow with a nocked bolt, ~~a loaded firearm or a~~
4 ~~firearm from the magazine of which all shells and cartridges~~ or rifle or shotgun with cartridges that
5 have not been removed or a magazine that has not been detached, in or on any vehicle or
6 conveyance, or its attachments, ~~within the state, except as may otherwise be provided by law or~~
7 ~~regulation.~~ Except as hereinafter provided, that between five o'clock post meridian of ~~one~~ day one
8 and seven o'clock ante meridian, Eastern Standard Time, of the following day ~~following~~, any
9 unloaded firearm or crossbow, ~~being lawfully carried in accordance with the foregoing provisions,~~
10 may be ~~so~~ carried only when in a case or taken apart and securely wrapped. During the period from
11 July 1 to September 30, inclusive, of each year, the ~~foregoing~~ requirements relative to carrying
12 ~~certain~~ unloaded firearms are permissible only from eight-thirty o'clock post meridian to five o'clock
13 ante meridian, Eastern Standard Time: *Provided*, That the time periods for carrying unloaded and
14 uncased firearms are extended for one hour after the post meridian times and one hour before the
15 ante meridian times established above if a ~~hunter is preparing to or in the process of~~ person is
16 transporting or transferring the firearms to or from a hunting site, campsite, home or other ~~place of~~
17 abode;

18 ~~(10)~~ (11) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement by
19 which wildlife may be taken after the hour of five o'clock ante meridian on Sunday on private land
20 without the written consent of the landowner any wild animals or wild birds except when a big game
21 season opens on a Monday, the Sunday prior to that opening day will be closed for any taking of wild
22 animals or birds after five o'clock ante meridian on that Sunday: *Provided*, That traps previously and

1 legally set may be tended after the hour of five o'clock ante meridian on Sunday, and the person so
2 doing may carry only a twenty-two caliber firearm for the purpose of humanely dispatching trapped
3 animals. Any person violating the ~~provisions of this subdivision~~ is guilty of a misdemeanor and,
4 upon conviction thereof, in addition to any fines that may be imposed by this or other sections of this
5 code, is subject to a an additional \$100 fine;

6 ~~(11)~~ (12) Hunt, catch, take, kill, injure or pursue a wild animal or wild bird with the use of
7 a ferret;

8 ~~(12)~~ (13) Buy raw furs, pelts or skins of fur-bearing animals unless licensed to do so;

9 ~~(13)~~ (14) Catch, take, kill or attempt to catch, take or kill any fish ~~at any time~~ by any means
10 other than by rod, line and hooks with natural or artificial lures ~~unless otherwise authorized by law~~
11 ~~or rules issued by the director~~: *Provided*, That snaring of any species of suckers, carp, fallfish and
12 creek chubs ~~shall at all times be~~ is lawful;

13 ~~(14)~~ (15) Employ, ~~or hire, or induce or persuade, by the use of~~ with money, ~~or other things~~
14 of value or by any means, any person to hunt, take, catch or kill any wild animal or wild bird except
15 those species ~~on~~ in which there is no closed season; or to fish for, catch, take or kill any fish,
16 amphibian or aquatic life ~~which that~~ is protected by the provisions of this chapter, ~~or rules of the~~
17 ~~director~~ by regulation, or the sale of which is otherwise prohibited;

18 ~~(15)~~ (16) Hunt, catch, take, kill, capture, pursue, transport, possess or use any migratory game
19 or nongame birds ~~included in the terms of conventions between the United States and Great Britain~~
20 ~~and between the United States and United Mexican States for the protection of migratory birds and~~
21 ~~wild mammals concluded, respectively, August 16, 1916, and February 7, 1936, except during the~~
22 ~~time and in the manner and numbers prescribed~~ except as permitted by the federal Migratory Bird

1 Treaty Act, 16 U.S.C. §703, *et seq.*, and its regulations ~~made thereunder~~;

2 ~~(16)~~ (17) Kill, take, catch, sell, transport or have in his or her possession, living or dead, any
3 wild bird other than a game bird; ~~or expose for sale or transport within or without the state any bird~~
4 ~~except as aforesaid. No part of~~ including the plumage, skin or body of any protected bird, ~~may be~~
5 ~~sold or had in possession for sale except mounted or stuffed plumage, skin, bodies or heads of the~~
6 ~~birds legally taken and stuffed or mounted~~; irrespective of whether the bird was captured ~~within or~~
7 ~~without~~ in or out of this state, except the English or European sparrow (*Passer domesticus*), starling
8 (*Sturnus vulgaris*) and cowbird (*Molothrus ater*), which ~~may not be protected and the killing thereof~~
9 ~~at any time is lawful~~ may be killed at any time;

10 ~~(17)~~ (18) Use dynamite, ~~or any like explosive~~ explosives or ~~poisonous mixture placed~~ any
11 poison in any waters of the state for the purpose of killing or taking fish. Any person violating this
12 subdivision is guilty of a felony and, upon conviction thereof, shall be fined not more than \$500 or
13 imprisoned for not less than six months nor more than three years, or both fined and imprisoned;

14 ~~(18)~~ (19) Have a bow and gun, or have a gun and any arrow ~~or arrows~~, in the fields or woods
15 at the same time;

16 ~~(19)~~ (20) Have a crossbow in the woods or fields or use a crossbow to hunt for, take or
17 attempt to take any wildlife except as otherwise provided in ~~section~~ sections 5g and 42w of this
18 article;

19 ~~(20)~~ (21) Take or attempt to take turkey, bear, elk or deer with any arrow unless the arrow
20 is equipped with a point having at least two sharp cutting edges measuring in excess of three-fourths
21 of an inch wide;

22 ~~(21)~~ (22) Take or attempt to take any wildlife with an arrow having an explosive head or

1 shaft, a poisoned arrow or an arrow which would affect wildlife by any chemical action;

2 ~~(22)~~ (23) Shoot an arrow across any public highway ~~or from aircraft, motor-driven watercraft,~~

3 ~~motor vehicle or other land conveyance;~~

4 ~~(23)~~ (24) Permit any dog owned ~~by him or her~~ or under his or her control to chase, pursue

5 or follow ~~upon the track~~ the tracks of any wild animal or wild bird, ~~either~~ day or night, between May

6 1 and ~~the~~ August 15 ~~next following~~: *Provided*, That dogs may be trained on wild animals and wild

7 birds, except deer and wild turkeys, and field trials may be held or conducted on the grounds or lands

8 of the owner or by his or her bona fide tenant, ~~or tenants or~~ upon the grounds or lands of another

9 person with his or her written permission, or on public lands at any time: *Provided, however*, That

10 nonresidents may not train dogs in this state at any time except during the legal small game hunting

11 season: *Provided further*, That the person training ~~said~~ dogs does not have firearms or other

12 implements in his or her possession during the closed season on wild animals and wild birds,

13 whereby wild animals or wild birds could be taken or killed;

14 ~~(24)~~ (25) Conduct or participate in a trial, including a field trial, shoot-to-retrieve field trial,

15 water race or wild hunt, ~~hereafter referred to as trial~~: *Provided*, That any person, group of persons,

16 club or organization may hold ~~the~~ a trial ~~at any time of the year~~ upon obtaining a permit ~~as is~~

17 ~~provided in pursuant to~~ section fifty-six of this article. The person responsible for obtaining the

18 permit shall prepare and keep an accurate record of the names and addresses of all persons

19 participating in ~~said~~ the trial and make ~~same~~ the records readily available for inspection by any

20 natural resources police officer upon request;

21 ~~(25)~~ ~~Except as provided in section four of this article, hunt~~ (26) Hunt, catch, take, kill or

22 attempt to hunt, catch, take or kill any wild animal, wild bird or wild fowl except during ~~the~~ open

1 ~~season~~ seasons established by ~~rule of the director as authorized by~~ the Natural Resources
2 Commission pursuant to subdivision (6), section seven, article one of this chapter;

3 ~~(27)~~ (28) Hunting on public lands on Sunday after five o'clock ante meridian is prohibited;

4 ~~(28)~~ (29) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement which
5 wildlife can be taken, on private lands on Sunday after the hour of five o'clock ante meridian:

6 *Provided*, That the provisions of this subdivision do not apply in any county until the county
7 commission of the county holds an election on the question of whether the provisions of this
8 subdivision prohibiting hunting on Sunday shall apply within the county and the voters approve the
9 allowance of hunting on Sunday in the county. The election is determined by a vote of the resident
10 voters of the county in which the hunting on Sunday is proposed to be authorized. The county
11 commission of the county in which Sunday hunting is proposed shall give notice to the public of the
12 election by publication of the notice as a Class II-0 legal advertisement in compliance with the
13 provisions of article three, chapter fifty-nine of this code and the publication area for the publication
14 is the county in which the election is to be held. The date of the last publication of the notice shall
15 fall on a date within the period of the fourteen consecutive days next preceding the election.

16 On the local option election ballot shall be printed the following:

17 Shall hunting on Sunday be authorized on private lands only with the consent of the land
18 owner in _____ County?

19 Yes No

20 (Place a cross mark in the square opposite your choice.)

21 Any local option election to approve or disapprove of the proposed authorization of Sunday
22 hunting within a county shall be in accordance with procedures adopted by the commission. The

1 local option election may be held in conjunction with a primary or general election or at a special
2 election. Approval shall be by a majority of the voters casting votes on the question of approval or
3 disapproval of Sunday hunting at the election.

4 If a majority votes against allowing Sunday hunting, no election on the issue may be held for
5 a period of one hundred four weeks. If a majority votes "yes," no election reconsidering the action
6 may be held for a period of five years. A local option election may thereafter be held if a written
7 petition of qualified voters residing within the county equal to at least five percent of the number of
8 persons who were registered to vote in the next preceding general election is received by the county
9 commission of the county in which Sunday hunting is authorized. The petition may be in any
10 number of counterparts. The election shall take place at the next primary or general election
11 scheduled more than ninety days following receipt by the county commission of the petition required
12 by this subsection: *Provided*, That the issue may not be placed on the ballot until all statutory notice
13 requirements have been met. No local law or regulation providing any penalty, disability, restriction,
14 regulation or prohibition of Sunday hunting may be enacted and the provisions of this article preempt
15 all regulations, rules, ordinances and laws of any county or municipality in conflict with this
16 subdivision; and

17 ~~(28)~~ (29) Hunt or conduct hunts for a fee ~~where the hunter~~ when the person is not physically
18 present in the same location as the wildlife being hunted within West Virginia.

19 **§20-2-5g. Use of a crossbow to hunt.**

20 (a) Notwithstanding any other provision of this code to the contrary, ~~a person who possesses~~
21 ~~a valid Class Y permit in accordance with section forty-two-w of this article may, during the~~
22 ~~designated archery hunting season;~~ any person lawfully entitled to hunt may hunt with a crossbow

1 during big game firearms season. A person who possesses a valid Class Y permit may also hunt with
2 a crossbow in accordance with section forty-two-w of this article. Further, the director shall
3 designate a separate season for crossbow hunting and identify which species of wildlife may be
4 hunted with a crossbow.

5 (b) Only crossbows meeting all of the following specifications may be used for hunting in
6 West Virginia:

- 7 (1) The crossbow has a minimum draw weight of one hundred twenty-five pounds;
- 8 (2) The crossbow has a working safety; and
- 9 (3) The crossbow is used with bolts and arrows not less than eighteen inches in length with
10 a broad head having at least two sharp cutting edges, measuring at least 3/4 of an inch in width.

11 **§20-2-22a. Hunting, tagging and reporting bear; procedures applicable to property**
12 **destruction by bear; penalties.**

13 (a) A person ~~in any county of this state~~ may not hunt, capture, or kill any bear, or have in his
14 or her possession any bear or bear parts, except during the hunting season for bear ~~and~~ in the manner
15 designated by rules ~~promulgated by the Division of Natural Resources~~ and regulations, and as
16 provided in this section. For the purposes of this section, bear parts include, but are not limited to,
17 the pelt, gallbladder, skull and claws of bear.

18 (b) A person who kills a bear shall, within twenty-four hours after the killing, ~~deliver the bear~~
19 ~~or fresh skin to a natural resources police officer or checking station for tagging~~ electronically
20 register the bear. A division of Natural Resources tag shall be affixed to it before any part of the bear
21 may be transported more than seventy-five miles from the point of kill. The division of Natural
22 Resources tag shall remain on the skin until it is tanned or mounted. Any bear or bear parts not

1 properly tagged shall be forfeited to the state for disposal to a charitable institution, school or as
2 otherwise designated by the ~~Division of Natural Resources~~ director.

3 (c) It is unlawful:

4 (1) To hunt bear without a bear damage stamp, as prescribed in section forty-four-b of this
5 article, in addition to a hunting license as prescribed in this article;

6 (2) To hunt a bear with:

7 (A) A shotgun using ammunition loaded with more than one solid ball; or

8 (B) A rifle of less than twenty-five caliber using rimfire ammunition; ~~or~~;

9 ~~(C) A crossbow;~~

10 (3) To kill or attempt to kill any bear through the use of poison, explosives, snares, steel traps
11 or deadfalls ~~other than as authorized in this section~~;

12 (4) To shoot at or kill:

13 (A) A bear weighing less than seventy-five pounds live weight or fifty pounds field dressed
14 weight, after removal of all internal organs;

15 (B) Any bear accompanied by a cub; or,

16 (C) Any bear cub so accompanied, regardless of its weight;

17 (5) To possess any part of a bear not tagged in accordance with the provisions of this section;

18 (6) To enter a state game refuge with firearms for the purpose of pursuing or killing a bear
19 except under the direct supervision of division personnel;

20 (7) To hunt bear with dogs or to cause dogs to chase bear during seasons other than those
21 designated by the ~~division of Natural Resources~~ for the hunting of bear;

22 (8) To pursue a bear with a pack of dogs other than the pack used at the beginning of the hunt

1 once the bear is spotted and the chase has begun;

2 (9) To possess, harvest, sell or purchase bear parts obtained from bear killed in violation of
3 this section;

4 (10) To organize for commercial purposes or to professionally outfit a bear hunt, or to give
5 or receive any consideration whatsoever or any donation in money, goods or services in connection
6 with a bear hunt, notwithstanding the provisions of sections twenty-three and twenty-four of this
7 article; or

8 (11) For any person who is not a resident of this state to hunt bear with dogs or to use dogs
9 in any fashion for the purpose of hunting bear in this state except in legally authorized hunts.

10 (d) The following provisions apply to bear destroying property:

11 (1) (A) Any property owner or lessee who has suffered damage to real or personal property,
12 including loss occasioned by the death or injury of livestock or the unborn issue of livestock, caused
13 by an act of a bear may complain to any natural resources police officer of the division of ~~Natural~~
14 ~~Resources~~ for protection against the bear.

15 (B) Upon receipt of the complaint, the officer shall immediately investigate the circumstances
16 of the complaint. If the officer is unable to personally investigate the complaint, he or she shall
17 designate a wildlife biologist to investigate on his or her behalf.

18 (C) If the complaint is found to be justified, the officer or designated person may, together
19 with the owner and other residents, proceed to hunt, destroy or capture the bear that caused the
20 property damage: *Provided*, That only the natural resources police officer or the wildlife biologist
21 may determine whether to destroy or capture the bear and whether to use dogs to capture or destroy
22 the bear: *Provided, however*, That, if out-of-state dogs are used in the hunt, the owners of the dogs

1 are the only nonresidents permitted to participate in hunting the bear.

2 (2) (A) When a property owner has suffered damage to real or personal property as the result
3 of an act by a bear, the owner shall file a report with the director of the division of Natural
4 Resources. The report shall state whether or not the bear was hunted and destroyed and, if so, the
5 sex, weight and estimated age of the bear. The report shall also include an appraisal of the property
6 damage occasioned by the bear duly signed by three competent appraisers fixing the value of the
7 property lost.

8 (B) The report shall be ruled upon and the alleged damages examined by a commission
9 comprised of the complaining property owner, an officer of the division and a person to be jointly
10 selected by the officer and the complaining property owner.

11 (C) The division shall establish the procedures to be followed in presenting and deciding
12 claims under this section in accordance with article three, chapter twenty-nine-a of this code.

13 (D) All claims shall be paid in the first instance from the Bear Damage Fund provided in
14 section forty-four-b of this article. In the event the fund is insufficient to pay all claims determined
15 by the commission to be just and proper, the remainder due to owners of lost or destroyed property
16 shall be paid from the special revenue account of the Division of Natural Resources.

17 (3) In all cases where the act of the bear complained of by the property owner is the killing
18 of livestock, the value to be established is the fair market value of the livestock at the date of death.
19 In cases where the livestock killed is pregnant, the total value is the sum of the values of the mother
20 and the unborn issue, with the value of the unborn issue to be determined on the basis of the fair
21 market value of the issue had it been born.

22 (e) *Criminal penalties.* – (1) Any person who commits a violation of the provisions of this

1 section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000
2 nor more than \$5,000, which fine is not subject to suspension by the court, confined in jail not less
3 than thirty nor more than one hundred days, or both fined and confined. Further, the person's
4 hunting and fishing licenses shall be suspended for two years.

5 (2) Any person who commits a second violation of the provisions of this section is guilty of
6 a misdemeanor and, upon conviction thereof, shall be fined not less than \$2,000 nor more than
7 \$7,500, which fine is not subject to suspension by the court, confined in jail not less than thirty days
8 nor more than one year, or both fined and confined. The person's hunting and fishing licenses shall
9 be suspended for life.

10 (3) Any person who commits a third or subsequent violation of the provisions of this section
11 is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than
12 \$10,000, which fine is not subject to suspension by the court, imprisoned in a correctional facility
13 not less than one year nor more than five years, or both fined and imprisoned.

14 **§20-2-42w. Class Y special crossbow hunting permit for certain disable persons.**

15 (a) ~~On or after January 1, 2006, a~~ A Class Y permit ~~shall be~~ is a special statewide hunting
16 permit ~~and shall entitle the permittee~~ entitling a person to hunt all wildlife during established archery
17 and firearm seasons. ~~An application shall be furnished by the director, and a Class Y permit~~
18 ~~allowing the holder to use a crossbow, during the archery hunting seasons, to applicants who meet~~
19 so long as the person meets the following requirements:

20 (1) He or she holds a Class Q permit;

21 (2) He or she has a permanent and substantial loss of function in one or both hands while
22 failing to meet the minimum standards of the upper extremity pinch, grip and nine-hole peg tests

1 administered under the direction of a licensed physician; or

2 (3) ~~A~~ He or she has a permanent and substantial loss of function in one or both shoulders
3 while failing to meet the minimum standards of the ~~standard~~ shoulder strength test administered
4 under the direction of a licensed physician.

5 (b) The application form shall include a written statement or report prepared by a the
6 physician, ~~prepared~~ conducting the test no more than six months preceding the application and
7 verifying that the applicant is physically disabled as described in this section. As part of the
8 application, the applicant shall authorize, by written release, an examination of all medical records
9 regarding his or her qualifying disability. When completed, the permit form constitutes a Class Y
10 permit. The Class Y permit and a completed license application shall be submitted to the Division,
11 which will issue a wallet-sized card to the permittee. The card and all other documents and
12 identification required to be carried by this article shall be in the permittee's possession when
13 hunting.

14 (c) A Class Y permit must be accompanied by a valid statewide hunting license or the
15 applicant must be exempt from hunting licenses as provided in this chapter.

NOTE: The purpose of this bill is to prohibit hunting with night vision technology, a drone or other unmanned aerial vehicle. The bill permits hunting with crossbows during firearm seasons.

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