

**H. B. 2144**

(By Delegate Hamilton, Evans, A., Rowan, Romine, Folk, Faircloth, Canterbury, Ferro, Lynch,  
Williams and Sponaugle)

[Introduced January 20, 2015; referred to the  
Committee on Agriculture and Natural Resources then the Judiciary.]

A BILL to repeal §20-2-5q and §20-2-42w of the Code of West Virginia, 1931, as amended; to  
amend and reenact §20-1-2 of said code; and to amend and reenact §20-2-5 and §20-2-22a  
of said code, all relating to permitting crossbow hunting; and defining terms.

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

That §20-2-5q and §20-2-42w of the Code of West Virginia, 1931, as amended, be repealed;  
that §20-1-2 of said code be amended and reenacted; and that §20-2-5 and §20-2-22a of said code  
be amended and reenacted, all to read as follows:

**ARTICLE 1. ORGANIZATION AND ADMINISTRATION.**

**§20-1-2. Definitions.**

As used in this chapter, unless the context clearly requires a different meaning:

"Agency" means any branch, department or unit of the state government, however designated

1 or constituted.

2 "Alien" means any person not a citizen of the United States.

3 "Bag limit" or "creel limit" means the maximum number of wildlife which may be taken,  
4 caught, killed or possessed by any person.

5 "Big game" means elk, deer, black bears, wild boars and wild turkeys.

6 "Bona fide resident, tenant or lessee" means a person who permanently resides on the land.

7 "Bow" means a longbow, recurve bow or compound bow that is hand drawn, hand-held and  
8 held at full draw without the aide of any mechanical device or crossbow. Triggering devices and  
9 release aids are permitted.

10 "Citizen" means any native-born citizen of the United States and foreign-born persons who  
11 have procured their final naturalization papers.

12 "Closed season" means the time or period during which it shall be unlawful to take any  
13 wildlife as specified and limited by the provisions of this chapter.

14 "Commission" means the Natural Resources Commission.

15 "Commissioner" means a member of the advisory commission of the Natural Resources  
16 Commission.

17 "Crossbow" are those crossbows that have a minimum draw weight of one hundred  
18 twenty-five pounds, have working safeties and are used with bolts and arrows that are not less than  
19 eighteen inches in length with a broad head having at least two sharp cutting edges measuring at least  
20 three-fourths of an inch in width.

21 "Director" means the Director of the Division of Natural Resources.

1 "Fishing" or "to fish" means the taking, by any means, of fish, minnows, frogs or other  
2 amphibians, aquatic turtles and other forms of aquatic life used as fish bait.

3 "Fur-bearing animals" include: ~~(a)~~ (A) The mink; ~~(b)~~ (B) the weasel; ~~(c)~~ (C) the muskrat;  
4 ~~(d)~~ (D) the beaver; ~~(e)~~ (E) the opossum; ~~(f)~~ (F) the skunk and civet cat, commonly called polecat;  
5 ~~(g)~~ (G) the otter; ~~(h)~~ (H) the red fox; ~~(i)~~ (I) the gray fox; ~~(j)~~ (J) the wildcat, bobcat or bay lynx; ~~(k)~~  
6 (K) the raccoon; and ~~(l)~~ (L) the fisher.

7 "Game" means game animals, game birds and game fish as herein defined.

8 "Game animals" include: ~~(a)~~ (A) The elk; ~~(b)~~ (B) the deer; ~~(c)~~ (C) the cottontail rabbits and  
9 hares; ~~(d)~~ (D) the fox squirrels, commonly called red squirrels, and gray squirrels and all their color  
10 phases - red, gray, black or albino; ~~(e)~~ (E) the raccoon; ~~(f)~~ (F) the black bear; and ~~(g)~~ (G) the wild  
11 boar.

12 "Game birds" include: ~~(a)~~ (A) The anatidae, commonly known as swan, geese, brants and  
13 river and sea ducks; ~~(b)~~ (B) the rallidae, commonly known as rails, sora, coots, mudhens and  
14 gallinule; ~~(c)~~ (C) the limicolae, commonly known as shorebirds, plover, snipe, woodcock,  
15 sandpipers, yellow legs and curlews; ~~(d)~~ (D) the galliformes, commonly known as wild turkey,  
16 grouse, pheasants, quails and partridges (both native and foreign species); ~~(e)~~ (E) the columbidae,  
17 commonly known as doves; ~~(f)~~ (F) the icteridae, commonly known as blackbirds, redwings and  
18 grackle; and ~~(g)~~ (G) the corvidae, commonly known as crows.

19 "Game fish" include: ~~(a)~~ (A) Brook trout; ~~(b)~~ (B) brown trout; ~~(c)~~ (C) rainbow trout; ~~(d)~~ (D)  
20 golden rainbow trout; ~~(e)~~ (E) largemouth bass; ~~(f)~~ (F) smallmouth bass; ~~(g)~~ (G) spotted bass; ~~(h)~~ (H)  
21 striped bass; ~~(i)~~ (I) chain pickerel; ~~(j)~~ (J) muskellunge; ~~(k)~~ (K) walleye; ~~(l)~~ (L) northern pike; ~~(m)~~

1 (M) rock bass; ~~(n)~~ (N) white bass; ~~(o)~~ (O) white crappie; ~~(p)~~ (P) black crappie; ~~(q)~~ (Q) all sunfish  
2 species; ~~(r)~~ (R) channel catfish; ~~(s)~~ (S) flathead catfish; ~~(t)~~ (T) blue catfish, ~~(u)~~ (U) sauger; and ~~(v)~~  
3 (V) all game fish hybrids.

4 "Hunt" means to pursue, chase, catch or take any wild birds or wild animals: *Provided*, That  
5 the definition of "hunt" does not include an officially sanctioned and properly licensed field trial,  
6 water race or wild hunt as long as that field trial is not a shoot-to-retrieve field trial.

7 "Lands" means land, waters and all other appurtenances connected therewith.

8 "Migratory birds" means any migratory game or nongame birds included in the terms of  
9 conventions between the United States and Great Britain and between the United States and United  
10 Mexican States, known as the Migratory Bird Treaty Act, for the protection of migratory birds and  
11 game mammals concluded, respectively, August 16, 1916, and February 7, 1936.

12 "Nonresident" means any person who is a citizen of the United States and who has not been  
13 a domiciled resident of the State of West Virginia for a period of thirty consecutive days immediately  
14 prior to the date of his or her application for a license or permit except any full-time student of any  
15 college or university of this state, even though he or she is paying a nonresident tuition.

16 "Open season" means the time during which the various species of wildlife may be legally  
17 caught, taken, killed or chased in a specified manner and ~~shall~~ include both the first and the last day  
18 of the season or period designated by the director.

19 "Person", except as otherwise defined elsewhere in this chapter, means the plural "persons"  
20 and ~~shall include~~ includes individuals, partnerships, corporations or other legal entities.

21 "Preserve" means all duly licensed private game farmlands, or private plants, ponds or areas,

1 where hunting or fishing is permitted under special licenses or seasons other than the regular public  
2 hunting or fishing seasons.

3 "Protected birds" means all wild birds not included within the definition of "game birds" and  
4 "unprotected birds".

5 "Resident" means any person who is a citizen of the United States and who has been a  
6 domiciled resident of the State of West Virginia for a period of thirty consecutive days or more  
7 immediately prior to the date of his or her application for license or permit: *Provided*, That a  
8 member of the Armed Forces of the United States who is stationed beyond the territorial limits of  
9 this state, but who was a resident of this state at the time of his or her entry into such service and any  
10 full-time student of any college or university of this state, even though he or she is paying a  
11 nonresident tuition, ~~shall be considered~~ is a resident under ~~the provisions of~~ this chapter.

12 "Roadside menagerie" means any place of business, other than a commercial game farm,  
13 commercial fish preserve, place or pond, where any wild bird, game bird, unprotected bird, game  
14 animal or fur-bearing animal is kept in confinement for the attraction and amusement of the people  
15 for commercial purposes.

16 "Small game" includes all game animals, furbearing animals and game birds except elk, deer,  
17 black bears, wild boars and wild turkeys.

18 "Take" means to hunt, shoot, pursue, lure, kill, destroy, catch, capture, keep in captivity, gig,  
19 spear, trap, ensnare, wound or injure any wildlife, or attempt to do so: *Provided*, That the definition  
20 of "take" does not include an officially sanctioned and properly licensed field trial, water race or wild  
21 hunt as long as that field trial is not a shoot-to-retrieve field trial.

1 "Unprotected birds" ~~shall~~ include: ~~(a)~~ (A) The English sparrow; ~~(b)~~ (B) the European  
2 starling; and ~~(c)~~ (C) the cowbird.

3 "Wild animals" means all mammals native to the State of West Virginia occurring either in  
4 a natural state or in captivity, except house mice or rats.

5 "Wild birds" ~~shall~~ include all birds other than: ~~(a)~~ (A) Domestic poultry - chickens, ducks,  
6 geese, guinea fowl, peafowls and turkeys; ~~(b)~~ (B) psittacidae, commonly called parrots and  
7 parakeets; and ~~(c)~~ (C) other foreign cage birds such as the common canary, exotic finches and ring  
8 dove. All wild birds, that are either ~~(i) Those~~ occurring in a natural state in West Virginia or ~~(ii)~~  
9 ~~those~~ are imported foreign game birds, such as waterfowl, pheasants, partridges, quail and grouse,  
10 regardless of how long raised or held in captivity, ~~shall~~ remain wild birds under the meaning of this  
11 chapter.

12 "Wildlife" means wild birds, wild animals, game and fur-bearing animals, fish (including  
13 minnows,) reptiles, amphibians, mollusks, crustaceans and all forms of aquatic life used as fish bait,  
14 whether dead or alive.

15 "Wildlife refuge" means any land set aside by action of the director as an inviolate refuge or  
16 sanctuary for the protection of designated forms of wildlife.

## 17 **ARTICLE 2. WILDLIFE RESOURCES.**

### 18 **§20-2-5. Unlawful methods of hunting and fishing and other unlawful acts.**

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

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

21 (2) Dig out, cut out or smoke out, or in any manner take or attempt to take, any live wild

1 animal or wild bird out of its den or place of refuge except as may be authorized by rules  
2 promulgated by the director or by law;

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

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

19           (4) Hunt for, take, kill, wound or shoot at wild animals or wild birds from an airplane, or  
20 other airborne conveyance, an automobile, or other land conveyance, or from a motor-driven water  
21 conveyance, except as authorized by rules promulgated by the director;

1 (5) Take any beaver or muskrat by any means other than by trap;

2 (6) Catch, capture, take or kill by seine, net, bait, trap or snare or like device of any kind any  
3 wild turkey, ruffed grouse, pheasant or quail;

4 (7) Destroy or attempt to destroy needlessly or willfully the nest or eggs of any wild bird or  
5 have in his or her possession the nest or eggs unless authorized to do so under rules promulgated by  
6 or under a permit issued by the director;

7 (8) Except as provided in section six of this article, carry an uncased or loaded gun in any of  
8 the woods of this state except during the open firearms hunting season for wild animals and  
9 nonmigratory wild birds within any county of the state unless he or she has in his or her possession  
10 a permit in writing issued to him or her by the director: *Provided*, That this section does not prohibit  
11 hunting or taking of unprotected species of wild animals and wild birds and migratory wild birds,  
12 during the open season, in the open fields, open water and open marshes of the state;

13 (9) Have in his or her possession a crossbow with a nocked bolt, a loaded firearm or a firearm  
14 from the magazine of which all shells and cartridges have not been removed, in or on any vehicle  
15 or conveyance, or its attachments, within the state, except as may otherwise be provided by law or  
16 regulation. Except as hereinafter provided, between five o'clock postmeridian of one day and seven  
17 o'clock antemeridian, eastern standard time of the day following, any unloaded firearm or crossbow,  
18 being lawfully carried in accordance with the foregoing provisions, may be so carried only when in  
19 a case or taken apart and securely wrapped. During the period from July 1 to September 30,  
20 inclusive, of each year, the foregoing requirements relative to carrying certain unloaded firearms are  
21 permissible only from eight-thirty o'clock postmeridian to five o'clock antemeridian, eastern standard



1 time: *Provided*, That the time periods for carrying unloaded and uncased firearms are extended for  
2 one hour after the postmeridian times and one hour before the antemeridian times established above  
3 if a hunter is preparing to or in the process of transporting or transferring the firearms to or from a  
4 hunting site, campsite, home or other place of abode;

5 (10) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement by which  
6 wildlife may be taken after the hour of five o'clock antemeridian on Sunday on private land without  
7 the written consent of the landowner any wild animals or wild birds except when a big game season  
8 opens on a Monday, the Sunday prior to that opening day will be closed for any taking of wild  
9 animals or birds after five o'clock antemeridian on that Sunday: *Provided*, That traps previously and  
10 legally set may be tended after the hour of five o'clock antemeridian on Sunday and the person so  
11 doing may carry only a twenty-two caliber firearm for the purpose of humanely dispatching trapped  
12 animals. Any person violating ~~the provisions of~~ this subdivision is guilty of a misdemeanor and,  
13 upon conviction thereof, in addition to any fines that may be imposed by this or other sections of this  
14 code, is subject to a \$100 fine;

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

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

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

21 (14) Employ or hire, or induce or persuade, by the use of money or other things of value, or

1 by any means, any person to hunt, take, catch or kill any wild animal or wild bird except those  
2 species on which there is no closed season, or to fish for, catch, take or kill any fish, amphibian or  
3 aquatic life which is protected by ~~the provisions of~~ this chapter or rules of the director or the sale of  
4 which is prohibited;

5           (15) Hunt, catch, take, kill, capture, pursue, transport, possess or use any migratory game or  
6 nongame birds included in the terms of conventions between the United States and Great Britain and  
7 between the United States and United Mexican States for the protection of migratory birds and wild  
8 mammals concluded, respectively, August 16, 1916, and February 7, 1936, except during the time  
9 and in the manner and numbers prescribed by the federal Migratory Bird Treaty Act, 16 U.S.C. §703,  
10 et seq., and regulations made thereunder;

11           (16) Kill, take, catch or have in his or her possession, living or dead, any wild bird other than  
12 a game bird; or expose for sale or transport within or without the state any bird except as aforesaid.  
13 No part of the plumage, skin or body of any protected bird may be sold or had in possession for sale  
14 except mounted or stuffed plumage, skin, bodies or heads of the birds legally taken and stuffed or  
15 mounted, irrespective of whether the bird was captured within or without this state, except the  
16 English or European sparrow (*passer domesticus*), starling (*sturnus vulgaris*) and cowbird (*molothrus*  
17 *ater*), which may not be protected and the killing thereof at any time is lawful;

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

1 (18) Have a bow and gun, or have a gun and any arrow or arrows, in the fields or woods at  
2 the same time;

3 ~~(19) Have a crossbow in the woods or fields or use a crossbow to hunt for, take or attempt~~  
4 ~~to take any wildlife except as otherwise provided in section 42w of this article;~~

5 ~~(20)~~ (19) Take or attempt to take turkey, bear, elk or deer with any arrow unless the arrow  
6 is equipped with a point having at least two sharp cutting edges measuring in excess of three fourths  
7 of an inch wide;

8 ~~(21)~~ (20) Take or attempt to take any wildlife with an arrow having an explosive head or  
9 shaft, a poisoned arrow or an arrow which would affect wildlife by any chemical action;

10 ~~(22)~~ (21) Shoot an arrow across any public highway or from aircraft, motor-driven  
11 watercraft, motor vehicle or other land conveyance;

12 ~~(23)~~ (22) Permit any dog owned by him or her or under his or her control to chase, pursue  
13 or follow upon the track of any wild animal or wild bird, either day or night, between May 1 and the  
14 August 15 next following: *Provided*, That dogs may be trained on wild animals and wild birds,  
15 except deer and wild turkeys, and field trials may be held or conducted on the grounds or lands of  
16 the owner or by his or her bona fide tenant or tenants or upon the grounds or lands of another person  
17 with his or her written permission or on public lands at any time: *Provided, however*, That  
18 nonresidents may not train dogs in this state at any time except during the legal small game hunting  
19 season: *Provided further*, That the person training said dogs does not have firearms or other  
20 implements in his or her possession during the closed season on wild animals and wild birds,  
21 whereby wild animals or wild birds could be taken or killed;

1           ~~(24)~~ (23) Conduct or participate in a field trial, shoot-to-retrieve field trial, water race or wild  
2 hunt hereafter referred to as trial: *Provided*, That any person, group of persons, club or organization  
3 may hold the trial at any time of the year upon obtaining a permit as is provided in section fifty-six  
4 of this article. The person responsible for obtaining the permit shall prepare and keep an accurate  
5 record of the names and addresses of all persons participating in said trial and make same readily  
6 available for inspection by any natural resources police officer upon request;

7           ~~(25)~~ (24) Except as provided in section four of this article, hunt, catch, take, kill or attempt  
8 to hunt, catch, take or kill any wild animal, wild bird or wild fowl except during the open season  
9 established by rule of the director as authorized by subdivision (6), section seven, article one of this  
10 chapter;

11           ~~(26)~~ (25) Hunting on public lands on Sunday after five o'clock antemeridian is prohibited;

12           ~~(27)~~ (26) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement  
13 which wildlife can be taken, on private lands on Sunday after the hour of five o'clock antemeridian:  
14 *Provided*, That ~~the provisions of this subdivision do~~ does not apply in any county until the county  
15 commission of the county holds an election on the question of whether ~~the provisions of this~~  
16 subdivision prohibiting hunting on Sunday shall apply within the county and the voters approve the  
17 allowance of hunting on Sunday in the county. The election is determined by a vote of the resident  
18 voters of the county in which the hunting on Sunday is proposed to be authorized. The county  
19 commission of the county in which Sunday hunting is proposed shall give notice to the public of the  
20 election by publication of the notice as a Class II-0 legal advertisement in compliance with ~~the~~  
21 ~~provisions of~~ article three, chapter fifty-nine of this code and the publication area for the publication

1 is the county in which the election is to be held. The date of the last publication of the notice shall  
2 fall on a date within the period of the fourteen consecutive days next preceding the election.

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

4 Shall hunting on Sunday be authorized in \_\_\_\_\_ County?

5  Yes  No

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

7 Any local option election to approve or disapprove of the proposed authorization of Sunday  
8 hunting within a county shall be in accordance with procedures adopted by the commission. The  
9 local option election may be held in conjunction with a primary or general election or at a special  
10 election. Approval shall be by a majority of the voters casting votes on the question of approval or  
11 disapproval of Sunday hunting at the election.

12 If a majority votes against allowing Sunday hunting, no election on the issue may be held for  
13 a period of one hundred four weeks. If a majority votes "yes," no election reconsidering the action  
14 may be held for a period of five years. A local option election may thereafter be held if a written  
15 petition of qualified voters residing within the county equal to at least five percent of the number of  
16 persons who were registered to vote in the next preceding general election is received by the county  
17 commission of the county in which Sunday hunting is authorized. The petition may be in any  
18 number of counterparts. The election shall take place at the next primary or general election  
19 scheduled more than ninety days following receipt by the county commission of the petition required  
20 by this subsection: *Provided*, That the issue may not be placed on the ballot until all statutory notice  
21 requirements have been met. No local law or regulation providing any penalty, disability, restriction,

1 regulation or prohibition of Sunday hunting may be enacted and ~~the provisions of this article preempt~~  
2 all regulations, rules, ordinances and laws of any county or municipality in conflict with this  
3 subdivision; ~~and~~

4 ~~(28)~~ (27) Hunt or conduct hunts for a fee where the hunter is not physically present in the  
5 same location as the wildlife being hunted within West Virginia; and

6 (28) Beginning on July 1, 2015 any person who meets all the requirements of this chapter  
7 to lawfully hunt may hunt with a crossbow during those times when it is lawful to hunt with a bow.

8 **§20-2-22a. Hunting, tagging and reporting bear; procedures applicable to property**  
9 **destruction by bear; penalties.**

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

15 (b) A person who kills a bear shall, within twenty-four hours after the killing, deliver the bear  
16 or fresh skin to a natural resources police officer or checking station for tagging. A Division of  
17 Natural Resources tag shall be affixed to it before any part of the bear may be transported more than  
18 seventy-five miles from the point of kill. The Division of Natural Resources tag shall remain on the  
19 skin until it is tanned or mounted. Any bear or bear parts not properly tagged shall be forfeited to  
20 the state for disposal to a charitable institution, school or as otherwise designated by the Division  
21 of Natural Resources.

1 (c) It is unlawful:

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

4 (2) To hunt a bear with:

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

6 (B) A rifle of less than twenty-five caliber using rimfire ammunition. ~~or~~,

7 ~~(C) A crossbow;~~

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

10 (4) To shoot at or kill:

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

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

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

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

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

18 (7) To hunt bear with dogs or to cause dogs to chase bear during seasons other than those  
19 designated by the Division of Natural Resources for the hunting of bear;

20 (8) To pursue a bear with a pack of dogs other than the pack used at the beginning of the hunt  
21 once the bear is spotted and the chase has begun;

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

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

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

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

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

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

17 (C) If the complaint is found to be justified, the officer or designated person may, together  
18 with the owner and other residents, proceed to hunt, destroy or capture the bear that caused the  
19 property damage: *Provided*, That only the natural resources police officer or the wildlife biologist  
20 may determine whether to destroy or capture the bear and whether to use dogs to capture or destroy  
21 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.

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

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

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

NOTE: The purpose of this bill is to permit hunting with a cross bow. The bill also defines two terms.

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