

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 4673**

BY DELEGATES ANDERSON, KELLY, BORDER, A. EVANS,

PHILLIPS, WAGNER, TRECOST, R. SMITH, SHAFFER,

IRELAND AND MILLER

[Passed March 12, 2016; in effect ninety days from

passage.]

1 AN ACT to amend and reenact §19-2H-11 of the Code of West Virginia, 1931, as amended,  
2 relating to captive cervid; establishing a misdemeanor penalty to kill, injure, or take captive  
3 cervid; and setting forth fines and restitution.

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

1 That §19-2H-11 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted, to read as follows:

**ARTICLE 2H. CAPTIVE CERVID FARMING ACT.**

**§19-2H-11. Prohibited conduct; criminal penalties.**

1 (a) A person may not release or permit the release of any captive cervids from a captive  
2 cervid farming facility.

3 (b) A person may not cause the entry or introduction of wild cervids into a captive cervid  
4 farming facility.

5 (c) An owner may not cease operation of or abandon a captive cervid farming facility  
6 without complying with the requirements and rules promulgated under this article.

7 (d) Any person who violates subsection (a) or (b) of this section is guilty of a misdemeanor  
8 and, upon conviction thereof, shall be confined in jail for not more than ninety days, or fined not  
9 more than \$300, or both fined and confined for a first offense. Any person who violates subsection  
10 (a) or (b) of this section for a second or subsequent offense is guilty of a misdemeanor and, upon  
11 conviction thereof, shall be confined in jail for not more than one year, or fined not more than  
12 \$1,000, or both fined and confined.

13 (e) Any person who intentionally or knowingly violates subsection (a), (b) or (c) of this  
14 section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional  
15 facility not less than one nor more than three years, or fined not more than \$1,000, or both fined  
16 and imprisoned.

17 (f) A person may not kill, injure, or take any captive cervid that is the property of another.  
18 A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof,

19 may be fined not more than \$500 and pay restitution pursuant to sections four and five, article  
20 eleven-a, chapter sixty-one of this code.