

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

**Introduced**

### **House Bill 4255**

**FISCAL  
NOTE**

BY DELEGATES HAMILTON, A. EVANS, ROMINE, WAGNER,  
AMBLER, ELDRIDGE, PETHTEL, SPONAUGLE AND GUTHRIE

[Introduced January 25, 2016; Referred  
to the Committee on Agriculture and Natural  
Resources then the Judiciary.]

1 A BILL to amend and reenact §20-2-4, §20-2-21 and §20-2-22 of the Code of West Virginia, 1931,  
 2 as amended, all relating to the taking and registration of wildlife including electronic  
 3 registration of beaver, otter and big game animals.

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

1 That §20-2-4, §20-2-21 and §20-2-22 of the Code of West Virginia, 1931, be amended  
 2 and reenacted, all to read as follows:

**ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-4. Possession of wildlife.**

1 (a) Except for wildlife, lawfully taken, killed or obtained, no person may have in his or her  
 2 possession any wildlife, or parts thereof, during closed seasons. It is unlawful to possess any  
 3 wildlife, or parts thereof, which have been illegally taken, killed or obtained. Any wildlife illegally  
 4 taken, killed or possessed shall be forfeited to the state and shall be counted toward the daily,  
 5 seasonal, bag, creel and possession limit of the person in possession of, or responsible for, the  
 6 illegal taking or killing of any wildlife. It is unlawful to take, obtain, purchase, possess, or maintain  
 7 in captivity, any live wildlife, wild animals, wild birds, game, or fur-bearing animals except as  
 8 provided by this chapter or any rule promulgated thereunder.

9 (b) Wildlife lawfully taken outside of this state is subject to the same laws and rules as  
 10 wildlife taken within this state.

11 (c) Migratory wild birds may be possessed only in accordance with the Migratory Bird  
 12 Treaty Act, 16 U. S. C. §703, *et seq.*, and its regulations.

13 (d) The restrictions in this section do not apply to the director or duly authorized agents,  
 14 who may take or maintain in captivity any wildlife for the purpose of carrying out the provisions of  
 15 this chapter.

16 (e) Wildlife, except protected birds, elk, spotted fawn, and bear cubs, killed or mortally  
 17 wounded as a result of being accidentally or inadvertently struck by a motor vehicle may be  
 18 lawfully possessed if the possessor of the wildlife provides notice of the claim within twelve hours

19 to a relevant law-enforcement agency, and obtains a nonhunting game tag within twenty-four  
20 hours of possession. The director shall propose administrative policy which addresses the means,  
21 methods and administrative procedures for implementing the provisions of this section.

22 (f) Persons ~~required to deliver wildlife to an official checking station shall,~~ are required to  
23 electronically register deer, bear, turkey, wild boar, bobcat, beaver, otter and fisher in accordance  
24 with rules promulgated by the director. ~~electronically register the wildlife in lieu of the delivery to~~  
25 ~~an official checking station.~~ "Electronically register" means submission of all necessary and  
26 relevant information to the division, in the manner designated by rule. ~~in lieu of delivery of the~~  
27 ~~wildlife to an official checking station.~~ The director may promulgate rules, pursuant to article three,  
28 chapter twenty-nine-a of this code, governing the electronic registration of wildlife.

**§20-2-21. Reporting beaver and otter pelts taken and tagged.**

1 Each trapper shall ~~present~~ electronically register each beaver and otter, or each pelt, to a  
2 game checking station or representative of the division within thirty days after the close of a legal  
3 season. A ~~tag~~ game tag number ~~provided by the division~~ shall be issued to the person and  
4 recorded in writing with the person's name and address, or on a field tag, and shall be affixed to  
5 each ~~beaver and otter or each pelt~~ and remain attached to the animal or pelt until it is processed  
6 into commercial fur. A game tag number for each beaver shall be issued to the person and  
7 recorded in writing with the person's name and address and either attached to each beaver or  
8 pelt, or the tag number shall be retained by the person in possession of the beavers. The game  
9 tag numbers shall remain attached to the animal or pelt or retained by the owner until it is  
10 processed into commercial fur.

**§20-2-22. Tagging, removing, transporting and reporting bear, deer, wild boar and wild  
turkey.**

1 (a) Each person killing a bear, deer, wild boar or wild turkey found in a wild state shall  
2 either attach a completed field tag to the animal or remain with the animal and have upon his or  
3 her person a completed field tag before removing the carcass in any manner from where it was

4 killed.

5 (b) While transporting the carcass of a bear, deer, wild boar or wild turkey from where it  
6 was killed, each person shall either attach a completed field tag to the animal or have upon his or  
7 her person a completed field tag.

8 (c) Upon arriving at a residence, camp, hunting lodge, vehicle or vessel each person shall  
9 attach a field tag to the killed bear, deer, wild boar or wild turkey. The field tag shall remain on the  
10 carcass until it is ~~retagged with a game tag by a natural resources police officer or an official~~  
11 ~~checking station~~ the animal is electronically registered. ~~The game tag shall remain on the carcass~~  
12 ~~until it is dressed for consumption. A game tag number shall be issued to the person and recorded~~  
13 in writing with the person's name and address, or on a field tag, and shall remain on the carcass  
14 until it is dressed for consumption. The game tag number shall remain on the skin or hide until it  
15 is tanned or mounted.

16 (d) If a person who does not possess a field tag kills a bear, deer, wild boar or wild turkey,  
17 he or she shall make a tag. The field tag shall bear the name, address and, if applicable, the  
18 license number of the hunter and the time, date and county of killing.

19 ~~(e) The carcass of a wild turkey shall be delivered to a natural resources police officer or~~  
20 ~~an official checking station for checking and retagging before it is either skinned or transported~~  
21 ~~beyond the boundaries of the county adjacent to that in which the kill was made.~~

22 ~~(f) The fresh skin and head or carcass of the deer shall be delivered to a natural resources~~  
23 ~~police officer or an official checking station for checking and retagging before it is transported~~  
24 ~~beyond the boundaries of the county adjacent to that in which the kill was made.~~

25 ~~(g)~~(e) A person who kills a bear shall treat the carcass and remains in accordance with  
26 the provisions of section twenty-two-a of this article.

27 ~~(h)~~(f) For each violation of this section a person is subject to the penalties provided in this  
28 article.

NOTE: The purpose of this bill is to clarify that all species which are required to be checked will be electronically registered with the division and to clarify that it is unlawful to possess live wildlife unless specifically authorized by law, that beaver and otter which are required to be checked will be electronically registered with the division, and that all big game species are required to be electronically registered as there no longer is an option to take animals to an official game checking station. In addition language is incorporated to clarify the tagging requirements and to eliminate the requirement that deer and turkeys must be checked before they are transported beyond the boundaries of the county adjacent to that in which the animal was killed. This requirement is no longer needed as a result of the implementation of the electronic game checking system.

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