

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4411

(BY DELEGATES R. SMITH, J. NELSON, D. EVANS,
ROHRBACH, ANDERSON, HAMRICK, IHLE, WAGNER
AND STANSBURY)

[Introduced February 5, 2016; referred
to the Committee on Agriculture and Natural
Resources then the Judiciary.]

1 A BILL to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended, relating
2 to wildlife resources; illegally taking native brook trout; and setting a replacement penalty
3 of \$100 for each native brook trout illegally taken.

Be it enacted by the Legislature of West Virginia:

1 That §20-2-5a of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-5a. Forfeiture by person causing injury or death of game or protected species of animal; additional replacement costs for antlered deer; forfeiture procedures and costs.

1 (a) Any person who is convicted of violating a criminal law of this state that results in the
2 injury or death of game, as defined in section two, article one of this chapter, or a protected
3 species of animal, in addition to any other penalty to which he or she is subject, shall forfeit the
4 cost of replacing the game or protected species of animal to the state as follows:

5 (1) For each game fish or each fish of a protected species taken illegally other than by
6 pollution kill, \$10 for each pound and any fraction thereof: Provided, That for each native brook
7 trout taken illegally, \$100 for each native brook trout;

8 (2) For each bear, \$500;

9 (3) For each deer or raven, \$200;

10 (4) For each wild turkey, hawk or owl, \$100;

11 (5) For each beaver, otter or mink, \$25;

12 (6) For each muskrat, raccoon, skunk or fox, \$15;

13 (7) For each rabbit, squirrel, opossum, duck, quail, woodcock, grouse or pheasant, \$10;

14 (8) For each wild boar, \$200;

15 (9) For each bald eagle, \$5,000;

16 (10) For each golden eagle, \$5,000;

17 (11) For each elk, \$4,500; and

18 (12) For any other game or protected species of animal, \$100.

19 (b) In addition to the replacement value for deer in subdivision (3), subsection (a) of this
20 section, the following cost shall also be forfeited to the state by any person who is convicted of
21 violating any criminal law of this state and the violation causes the injury or death of antlered deer:

22 (1) For any deer in which the inside spread of the main beams of the antlers measured at
23 the widest point equals 14 inches or greater but less than 16 inches, \$1,000;

24 (2) For any deer in which the inside spread of the main beams of the antlers measured at
25 the widest point equals 16 inches or greater but less than 18 inches, \$1,500;

26 (3) For any deer in which the inside spread of the main beams of the antlers measured at
27 the widest point equals 18 inches or greater but less than 20 inches, \$2,000; and

28 (4) For any deer in which the inside spread of the main beams of the antlers measured at
29 the widest point equals 20 inches or greater, \$2,500.

30 (5) Any person convicted of a second or subsequent violation of any criminal law of this
31 state which violation causes the injury or death of antlered deer is subject to double the authorized
32 range of cost to be forfeited.

33 (c) Upon conviction, the court shall order the person to forfeit to the state the amount set
34 forth in this section for the injury or death of the game or protected species of animal. If two or
35 more defendants are convicted for the same violation causing the injury or death of game or
36 protected species of animal, the forfeiture shall be paid by each person in an equal amount. The
37 forfeiture shall be paid by the person so convicted within the time prescribed by the court not to
38 exceed sixty days. In each instance, the court shall pay the forfeiture to the Division of Natural
39 Resources to be deposited into the License Fund-Wildlife Resources and used only for the
40 replacement, habitat management or enforcement programs for injured or killed game or
41 protected species of animal.

NOTE: The purpose of this bill is to set a replacement penalty of \$100 for each native brook trout taken illegally.

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