

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 469**

BY SENATORS TAKUBO, JEFFRIES, MAYNARD AND CLINE

[Originating in the Committee on Natural Resources;

reported on March 7, 2017]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §20-2-5i, relating to prohibiting the wanton waste of game animals, game birds  
3 and game fish or parts thereof; providing exclusions; and setting forth misdemeanor  
4 criminal penalties and fines.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 section, designated §20-2-5i, to read as follows:

**ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-5i. Wanton waste of game animals, game birds or game fish; penalties.**

1 (a) A person may not wantonly waste a game animal, game bird or game fish that has  
2 been wounded, killed or taken by the person while hunting or fishing. This section does not apply  
3 to groundhogs or fur-bearing animals.

4 (b) For purposes of this section, "wanton waste" means:

5 (1) To detach or remove only the head, hide, feet, paws, claws, antlers, tusks, gallbladder  
6 or teeth, or some of these parts, from the carcass of a game animal;

7 (2) To detach or remove only the feathers, fan, beard or spurs, or some of these parts,  
8 from a game bird;

9 (3) To intentionally dispose of a game fish, or a portion of a game fish, suitable for human  
10 consumption in the fields, woods or streams;

11 (4) To leave a wounded or killed game animal or game bird in the fields or woods without  
12 making a reasonable effort to retrieve it for human consumption or other use. However, a person  
13 is not required to retrieve a wounded game animal or game bird if the retrieval would violate other  
14 provisions of this article; or

15 (5) To transport, store or hang the carcass of a game animal, game bird or game fish in a  
16 manner that renders it unfit for human consumption.

17 (c) Any person violating the provisions of this section is guilty of a misdemeanor and, upon

18 conviction thereof, shall be subject to the following penalties:

19 (1) With respect to big game as defined in section two, article one of this chapter, a fine of  
20 not less than \$500 nor more than \$2,500, or confined in jail not less than ten days nor more than  
21 one hundred days, or both fined and confined. Additionally, the person shall be subject to the  
22 applicable forfeiture provisions set forth in section five-a of this article. Further, the person's  
23 hunting and fishing licenses shall be suspended for five years.

24 (2) With respect to all other game animal, game birds or game fish, a fine of not less than  
25 \$100 nor more than \$1,000, or confined in jail not less than ten days nor more than one hundred  
26 days, or both fined and confined.

NOTE: The purpose of this bill is to prohibit the wanton waste of game animals, game birds or game fish.

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