

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Introduced**

## **Senate Bill 536**

BY SENATORS MAYNARD, JEFFRIES AND FERNS

[Introduced March 7, 2017; Referred  
to the Committee on Natural Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §20-2-5i; and to amend and reenact §20-2-16 of said code, all relating to  
3 hunting; using leashed dogs to track mortally wounded deer or bear; and clarifying the  
4 handling of dogs caught chasing deer.

*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; and that §20-2-16 of said code be amended and reenacted, all to  
3 read as follows:

**ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-5i. Leashed dogs for tracking mortally wounded deer or bear.**

1 (a) Notwithstanding any provision of this chapter to the contrary, a person who is legally  
2 hunting and reasonably believes he or she has mortally wounded a deer or bear may either  
3 personally, or by engaging a dog handler, use a leashed dog to track and locate the mortally  
4 wounded deer or bear. The hunter or the dog handler shall maintain physical control of the  
5 leashed dog at all times.

6 (b) The act of tracking a mortally wounded deer or bear with a dog is hunting and is subject  
7 to all applicable laws and rules, including the requirement to have written permission to hunt on  
8 private property and to hunt during legal hunting hours. The hunter and the dog handler shall  
9 possess a valid West Virginia hunting license and any requisite stamps or permits. Only the hunter  
10 may kill a mortally wounded deer or bear, and the deer or bear shall count toward the bag limit of  
11 the hunter.

**§20-2-16. Dogs chasing deer.**

1 No person may permit or use his or her dog to hunt or chase deer. A natural resources  
2 police officer shall take into possession any dog known to have hunted or chased deer. ~~and the~~  
3 ~~director shall advertise that the dog is in his or her possession, giving a description of the dog and~~  
4 ~~stating the circumstances under which it was taken. The notice shall be published as a Class I~~

5 ~~legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this~~  
6 ~~code, and the publication area for the publication is the county. He or she shall hold the dog for a~~  
7 ~~period of ten days after the date of the publication. If, within ten days, the owner does not claim~~  
8 ~~the dog, the director shall destroy it. In this event the cost of keeping and advertising shall be paid~~  
9 ~~by the director. If, within ten days, the owner claims the dog, he or she may repossess it on the~~  
10 ~~payment of costs of advertising and the cost of keep, not exceeding 50¢ per day. A natural~~  
11 ~~resources police officer, or any officer or employee of the director authorized to enforce the~~  
12 ~~provisions of this section, after a bona fide but unsuccessful effort to capture dogs detected~~  
13 ~~chasing or pursuing deer, may kill the dogs~~ If the owner of the dog can be ascertained, the dog  
14 shall be returned to the owner. If the owner of the dog cannot be ascertained, the natural  
15 resources police officer shall deliver the dog to the appropriate county humane officer or facility  
16 consistent with the provisions of this code.

NOTE: The purpose of this bill is to authorize the tracking of wounded or injured deer or bear with leashed dogs.

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