

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 424

BY SENATORS MAYNARD, CLINE, AND BOSO

[Introduced January 30, 2018; Referred
to the Committee on Natural Resources; and then to the
Committee on the Judiciary]

1 A BILL to amend and reenact §20-2-30a of the Code of West Virginia, 1931, as amended, relating
 2 to a lawful method for a developmentally disabled person to purchase a base hunting
 3 license when that person attends an on-site hunter training course and successfully
 4 completes all nonwritten aspects of the course to receive a certificate but is unable to
 5 successfully complete the required course for the certificate of training; providing that the
 6 developmentally disabled person possessing the base hunting license may hunt when
 7 accompanied and directly supervised by a person over the age of 18 years; and providing
 8 criminal penalties for violations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-30a. Certificate of training; falsifying, altering, forging, counterfeiting or uttering training certificate; modified certificate of training; penalties.

1 (a) Notwithstanding any other provisions of this article, no base hunting license may be
 2 issued to any person who was born on or after January 1, 1975, unless the person submits to the
 3 person authorized to issue hunting licenses a certificate of training as provided in this section or
 4 proof of completion of any course which promotes as a major objective safety in the handling of
 5 firearms and of bow and arrows and which course is approved by the hunter education association
 6 or the director, or provides a State of West Virginia resident or nonresident hunting license from
 7 the previous hunting season that displays a certification of training, or attests that a hunter training
 8 course has been completed when purchasing a license or stamp online: *Provided*, That after
 9 January 1, 2013, a person may be issued a Class AH, Class AHJ, Class AAH and Class AAHJ
 10 apprentice hunting and trapping license pursuant to the provisions of §20-2-42y of this code and
 11 is exempt from the hunter training requirements set forth herein: *Provided however, That a*
 12 *developmentally disabled person seeking a base hunting license must attend the on-site hunter*
 13 *training course and must successfully complete all nonwritten aspects of the course to receive a*
 14 *modified certificate of training if that person's developmental disability affects his or her ability to*

15 undertake a written test.

16 (b) The director shall establish a course in the safe handling of firearms and of bows and
17 arrows, such as the course approved by the Hunter Education Association. This course shall be
18 given at least once per year in each county in this state and shall be taught by instructors certified
19 by the director. In establishing and conducting this course, the director may cooperate with any
20 reputable association or organization which promotes as a major objective safety in the handling
21 of firearms and of bows and arrows: *Provided*, That any person holding a Class A-L or AB-L
22 lifetime resident license obtained prior to his or her 15th birthday shall be required to obtain a
23 certificate of training as provided in this section before hunting or trapping pursuant to said license.
24 This course of instruction shall be offered without charge, except for materials or ammunition
25 consumed. Upon satisfactory completion of the course, each person instructed in the course shall
26 be issued a certificate of training for the purposes of complying with the requirements of
27 subsection (a) of this section. The certificate shall be in the form prescribed by the director and
28 shall be valid for hunting license application purposes.

29 (c) (1) Upon satisfactory completion of this course, any person whose hunting license has
30 been revoked for a violation of the provisions of this chapter may petition the director for a
31 reduction of his or her revocation time. However, under no circumstances may the time be
32 reduced to less than one year.

33 (2) Successful completion of this course shall be required to consider the reinstatement of
34 a hunting license of any person whose license has been revoked due to a conviction for negligent
35 shooting of a human being or of livestock under the provisions of §20-2-57 of this code, and who
36 petitions the director for an early reinstatement of his or her hunting privileges. Such a petitioner
37 shall also comply with the other requirements for consideration of reinstatement contained in §20-
38 2-38 of this code.

39 (d) It is unlawful for any person to falsify, alter, forge, counterfeit or utter a certificate of
40 training. Any person who violates the provisions of this subsection is guilty of a misdemeanor and,

41 upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or confined in
42 jail for a period not to exceed one year, or both fined and imprisoned.

43 (e) ~~Nothing herein contained shall~~ This section does not mandate that ~~any a~~ county school
44 district ~~in the state be~~ is responsible for implementing hunter safety education programs.

45 (f) (1) Notwithstanding the provisions of subsection (a) of this section, a base hunting
46 license may be issued to any person who has a developmental disability and who has a modified
47 certificate of training issued by the division authorizing the person to purchase a base hunting
48 license. For purposes of this subsection "developmentally disabled" has the same meaning as
49 prescribed in §20-2-28i of this code.

50 (2) As part of the application process for a license purchase modified certificate of training,
51 a person with a developmental disability shall present to the division a written application form
52 furnished by the director and signed by a licensed physician and the Secretary of the Department
53 of Health and Human Resources indicating that the person is:

54 (A) Unable to successfully complete a standard written test administered as part of the
55 hunter training course;

56 (B) At all times capable of understanding and following directions given by another person;
57 and

58 (C) Not a danger to himself or herself or others while engaged in hunting with a firearm.

59 (3) A person with a license purchase modified certificate of training may not hunt or trap
60 unless he or she is in possession of all other required documentation and stamps and is
61 accompanied and directly supervised by an adult 18 years of age or older who either possesses
62 a valid West Virginia hunting license or has the lawful privilege to hunt pursuant to the provisions
63 of this chapter. For purposes of this subsection, "accompanied and directly supervised" means
64 that a person maintains a close visual and verbal contact with, provides adequate direction to and
65 can assume control of the firearm from the developmentally disabled person.

66 (4) Any person violating the provisions of this subsection is guilty of a misdemeanor and,

- 67 upon conviction thereof, is subject to the punishment and penalties prescribed in §20-7-9 of this
68 code.

NOTE: The purpose of this bill is to allow persons with developmental disabilities to receive a base hunting license and to satisfy the training requirements through a modified training course. This bill also authorizes person with developmental disabilities to lawfully hunt while accompanied and directly supervised by another hunter, and provides criminal penalties for violation of this subsection.

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