

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 424**

BY SENATORS MAYNARD, CLINE, AND BOSO

[Originating in the Committee on Natural Resources;

Reported on February 14, 2018]

1 A BILL to amend and reenact §20-2-30a of the Code of West Virginia, 1931, as amended, relating  
2 to providing a lawful method for a developmentally disabled person to obtain a base  
3 hunting license free of charge; providing issuance of modified certificate of training for  
4 developmentally disabled persons; providing requirements for issuance of modified  
5 certificate of training to for developmentally disabled persons; providing definition of  
6 “developmentally disabled”; providing issuance of base hunting license to developmentally  
7 disabled persons who have modified certificate issued by the Division of Natural  
8 Resources; providing requirements for application for modified certificate of training;  
9 requiring that no developmentally disabled person holding a base license issued under a  
10 modified certificate of training may hunt or trap unless accompanied and directly  
11 supervised by an adult at least 18 years of age who may lawfully hunt in this state;  
12 providing all licenses and stamps issued by the Division of Natural Resources held by  
13 such adult shall apply to the developmentally disabled person while accompanied and  
14 directly supervised by such adult; requiring that person obtaining a license under a  
15 modified certificate of training must attend an on-site hunter training course and  
16 successfully complete all nonwritten aspects of the course to receive a certificate; and  
17 providing 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 fifteenth 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 §20-2-  
27 30a(a) 0of this code. The certificate shall be in the form prescribed by the director and shall be  
28 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 §20-2-30a(a) of this code, a base hunting license  
46 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 obtain a base hunting license  
48 free of charge. For purposes of this subsection “developmentally disabled” has the same meaning  
49 as prescribed in §20-2-28(j) of this code.

50 (2) As part of the application process for a modified certificate of training, a person with a  
51 developmental disability shall present to the division a written application form furnished by the  
52 director and signed by a licensed physician and the Secretary of the Department of Health and  
53 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 obtained pursuant to §20-2-30a(f)(1) of this code may not hunt  
60 or trap unless he or she is accompanied and directly supervised by an adult 18 years of age or  
61 older who either possesses a valid West Virginia hunting license or has the lawful privilege to hunt  
62 pursuant to the provisions of this chapter: *Provided*, That all licenses and stamps issued by the  
63 division to the adult accompanying and supervising the holder of a license obtained pursuant to  
64 §20-2-30a(f)(1) of this code shall be deemed to apply to such person for all activities undertaken  
65 by such person while he or she is accompanied and supervised by the licensed adult: *Provided*,  
66 *however*, That the division shall charge no additional fee to the holder of the license obtained  
67 pursuant to §20-2-30a(f)(1) of this code or to the licensed adult accompanying and supervising  
68 such person: *Provided, further*, That for purposes of this subsection, “accompanied and directly  
69 supervised” means that a person maintains a close visual and verbal contact with, provides  
70 adequate direction to, and can assume control of the firearm from the developmentally disabled  
71 person.

72 (4) Any person violating the provisions of this subsection is guilty of a misdemeanor and,  
73 upon conviction thereof, is subject to the punishment and penalties prescribed in §20-7-9 of this  
74 code.