

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2540**

BY DELEGATES HARSHBARGER, PAYNTER, SYPOLT,

COOPER, HANNA, BIBBY, HOTT AND BROWN, N.

[Originating in the Committee on the Judiciary,

February 18, 2019.]



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 waste of game animals, game birds or  
3 game fish and creating a misdemeanor with criminal penalties for the violations.

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

**ARTICLE 2. WILDLIFE RESOURCES.**

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

1 (a) It is unlawful for any person to cause through carelessness, neglect or otherwise to let  
2 any edible portion of any big game or game fish to go to waste needlessly.

3 For the purposes of this section, “edible portion” means, with respect to:

4 (A) Big game – one or more of the following: (i) the meat of the front quarters to the knee;  
5 (ii) the meat of the hind-quarters to the hock; or (iii) the meat along the backbone between the  
6 front quarters and hind quarters: *Provided*, That an edible portion of a wild turkey is the meat of  
7 the breast only.

8 (B) Game fish – the fillet meat from the gill plate to the tail fin.

9 (C) Edible portion does not include bones, sinew, viscera, meat from the head or neck,  
10 meat that has been damaged or rendered inedible by method of taking, or meat that is reasonably  
11 lost as a result of boning or close trimming of bones.

12 (b) It is unlawful for any person to take any big game and detach or remove from the  
13 carcass the head, hide, antlers, tusks, paws, claws, gallbladder, teeth, beards, or spurs only and  
14 leave the carcass to waste.

15 (c) Any person who through no carelessness, neglect or otherwise, is unable to locate the  
16 carcass of any lawfully taken big game prior to the spoilage or decay of any or all edible portions  
17 may detach or remove from the carcass the head, hide, antlers, tusks, paws, claws, gall bladder,  
18 teeth, beards, or spurs: *Provided*, That the big game is registered and shall be counted toward

19 the daily, seasonal, bag, and possession limit of the person in possession of, or responsible for  
20 taking the big game.

21 (d) Any person violating the provisions of this section is guilty of a misdemeanor and, upon  
22 conviction thereof, shall be subject to the following penalties, with respect to:

23 (1) Big game violations:

24 (A) A fine of not less than \$500 nor more than \$2,500, or confinement in jail not less than  
25 10 days nor more than 100 days, or both fined and confined.

26 (B) Suspension of hunting and fishing license for five years.

27 (C) All applicable forfeiture and replacement provisions in §20-2-5a of this code.

28 (2) Game fish violations:

29 (A) A fine of not less than \$100 nor more than \$500, or confinement in jail not less than  
30 10 days nor more than 100 days, or both fined and confined.

31 (B) Suspension of hunting and fishing license for two years.

32 (C) All applicable forfeiture and replacement provisions in §20-2-5a of this code.

NOTE: The purpose of this bill is to prohibit the waste of big game animals and game fish, and create a misdemeanor with criminal penalties for the violation thereof.

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