

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 389

BY SENATORS MAYNARD, BEACH, CLINE, AND HAMILTON

[Introduced January 22, 2019; Referred
to the Committee on Natural Resources]

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 said
 6 developmentally disabled person possessing the base hunting license may hunt when
 7 accompanied and directly supervised by a person 18 years of age or older; and providing
 8 for criminal penalties.

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 that promotes as a major objective safety in the handling
 5 of firearms and of ~~bow and arrows~~ archery tackle, and the use of tree stands and which course is
 6 approved by the hunter education association or the director. ~~or provides a State of West Virginia~~
 7 A resident or nonresident may show a State of West Virginia hunting license from the previous
 8 hunting season that displays a certification of training, or ~~attests~~ they may attest that a hunter
 9 training course has been completed when purchasing a license or stamp online. ~~Provided, That~~
 10 ~~after January 1, 2013~~ However, a person may be issued a Class AH, Class AHJ, Class AAH and
 11 Class AAHJ apprentice hunting and trapping license pursuant to the provisions of section 42y of
 12 this article ~~and is exempt from~~ without competing the hunter training requirements set forth herein.

13 (b) (1) The director shall establish a course in the safe handling of firearms and ~~of bows~~
 14 ~~and arrows~~, archery tackle and the use of tree stands such as the course approved by the Hunter

15 Education Association. This course shall be given at least once per year in each county in this
16 state and shall be taught by instructors certified by the director. In establishing and conducting
17 this course, the director may cooperate with any reputable association or organization which
18 promotes as a major objective safety in the handling of firearms and ~~of bows and arrows~~ archery
19 tackle and the use of tree stands. ~~Provided, That~~

20 (2) ~~any~~ A person holding a Class A-L or AB-L lifetime resident license obtained prior to his
21 or her 15th birthday shall be required to obtain a certificate of training as provided in this section
22 before hunting or trapping pursuant to said license. This course of instruction shall be offered
23 without charge, except for materials or ammunition consumed. Upon satisfactory completion of
24 the course, each person instructed in the course shall be issued a certificate of training for the
25 purposes of complying with the requirements of subsection (a) of this section. The certificate shall
26 be in the form prescribed by the director and shall be valid for hunting license application
27 purposes.

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

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

38 (d) It is unlawful for any person to falsify, alter, forge, counterfeit or utter a certificate of
39 training or a modified certificate of training. Any person who violates the provisions of this
40 subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than

41 \$500 nor more than \$1,000, or confined in jail for a period not to exceed one year, or both fined
42 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 whose disability affects
47 his or her ability to undertake a written test. The developmentally disabled person must attend an
48 on-site hunter training course and must successfully complete all nonwritten aspects of the course
49 to receive a modified certificate of training to purchase a base hunting license. For purposes of this
50 subsection "developmentally disabled" has the same meaning as prescribed in §20-2-28i of this
51 code.

52 (2) As part of the application process for a license purchased under a modified certificate of
53 training, a person with a developmental disability shall present to the division a written application form
54 furnished by the director and signed by a licensed physician indicating that the person is:

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

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

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

60 (3) A person with a license purchased under a modified certificate of training shall not hunt
61 or trap unless he or she is in possession of the modified certificate of training in addition to all
62 license and documents or other lawful authorizations as prescribed in §20-2-37 of this code, and
63 is accompanied and directly supervised by an adult 18 years of age or older who either
64 possesses a valid West Virginia hunting license or has the lawful privilege to hunt pursuant to
65 the provisions of this chapter. For purposes of this subdivision, "accompanied and directly
66 supervised" means that a person maintains a close visual and verbal contact with,

67 provides adequate direction to and can assume control of the firearm, bow or crossbow
68 from the developmentally disabled person.

69 (4) Any person violating the provisions of this subsection is guilty of a misdemeanor
70 and, upon conviction thereof, shall be subject to the punishment and penalties prescribed
71 in §20-7-9 of this 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 of this section 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.