

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2518

BY DELEGATES HARSHBARGER, PAYNTER, COOPER,
HANNA, BIBBY, ATKINSON, SYPOLT, D. KELLY, MANDT
AND BROWN, N.

[Introduced January 18, 2019; Referred
to the Committee on Agriculture and Natural
Resources then the Judiciary.]

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; permitting the use of leashed dogs to track mortally wounded deer or bear;
 4 providing that dogs used to track mortally wounded deer or bear are not to be taken into
 5 possession by a natural resource police officer; and clarifying the handling of dogs caught
 6 chasing deer.

Be it enacted by the Legislature of West Virginia:

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. The dogs used to track mortally wounded deer or bear are not to be
 6 taken into possession by a natural resource police officer.

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

§20-2-16. Dogs chasing deer.

1 No person may permit or use his or her dog to hunt or chase deer. Except as provided in
 2 §20-2-5i of this code, A a natural resources police officer shall take into possession any dog
 3 known to have hunted or chased deer. and the director shall advertise that the dog is in his or her
 4 possession, giving a description of the dog and stating the circumstances under which it was

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

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