

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4513

FISCAL
NOTE

BY DELEGATES ATKINSON, ANDERSON, TOMBLIN,

WESTFALL, CADLE, DEAN AND PORTERFIELD

(BY REQUEST OF THE DIVISION OF NATURAL RESOURCES)

[Introduced January 23, 2020; Referred to the
Committee on Agriculture and Natural Resources
then the Judiciary]

1 A BILL to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended, relating
 2 to increasing the replacement costs required of a person causing injury or death of game
 3 or protected species; providing additional replacement costs for antlered deer; and
 4 requiring revocation of hunting and fishing licenses for conviction of described offenses.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-5a. Forfeiture by person causing injury or death of game or protected species of animal; additional replacement costs for antlered deer; forfeiture procedures and costs.

1 (a) Any person who is convicted of violating a criminal law of this state that results in the
 2 injury or death of game, as defined in §20-1-2 of this code, or a protected species of animal, in
 3 addition to any other penalty to which he or she is subject, shall forfeit the replacement cost of
 4 ~~replacing~~ the game or protected species of animal to the state as follows:

5 (1) For each game fish or each fish of a protected species taken illegally other than by
 6 pollution kill, ~~\$40~~ \$20 for each pound and any fraction thereof: *Provided*, That for each native
 7 brook trout that exceeds the creel limit, \$100 for the first five illegally taken and \$20 for each
 8 thereafter;

9 (2) For each bear, ~~\$500~~ \$1,000;

10 (3) For each deer ~~or raven~~, ~~\$200~~ \$500;

11 (4) For each wild turkey, ~~hawk or owl~~, ~~\$100~~ \$250;

12 (5) For each beaver, otter or mink, ~~\$25~~ \$100;

13 (6) For each muskrat, raccoon, skunk, or fox, \$15;

14 (7) For each rabbit, squirrel, opossum, duck, quail, woodcock, grouse, or pheasant, \$10;

15 (8) For each wild boar, \$200;

16 (9) For each bald eagle, \$5,000;

17 (10) For each golden eagle, \$5,000;

18 (11) For each elk, ~~\$4,500~~ \$10,000; and

19 (12) For each raven, hawk, or owl \$200; and

20 (13) For any other game or protected species of animal, \$100.

21 (b) In addition to the replacement value for deer in subdivision (3), subsection (a) of this
22 section, the following replacement cost shall also be forfeited to the state by any person who is
23 convicted of violating any criminal law of this state and the violation causes the injury or death of
24 antlered deer:

25 (1) For any deer in which the inside spread of the main beams of the antlers measured at
26 the widest point equals 14 inches or greater but less than 16 inches, ~~\$1,000~~ \$2,500;

27 (2) For any deer in which the inside spread of the main beams of the antlers measured at
28 the widest point equals 16 inches or greater but less than 18 inches, ~~\$1,500~~ \$5,000;

29 (3) For any deer in which the inside spread of the main beams of the antlers measured at
30 the widest point equals 18 inches or greater but less than 20 inches, ~~\$2,000~~ \$7,500; and

31 (4) For any deer in which the inside spread of the main beams of the antlers measured at
32 the widest point equals 20 inches or greater, ~~\$2,500~~ \$10,000.

33 (5) Any person convicted of a second or subsequent violation of any criminal law of this
34 state which violation causes the injury or death of antlered deer is subject to double the authorized
35 range of replacement cost to be forfeited.

36 (c) Upon conviction, the court shall order the person to forfeit to the state the amount set
37 forth in this section for the injury or death of the game or protected species of animal. If two or
38 more defendants are convicted for the same violation causing the injury or death of game or
39 protected species of animal, the ~~forfeiture~~ replacement costs shall be paid by each person in an
40 equal amount. The ~~forfeiture~~ replacement costs shall be paid by the person so convicted within
41 the time prescribed by the court not to exceed 60 days. In each instance, the court shall pay the
42 ~~forfeiture~~ replacement costs to the Division of Natural Resources to be deposited into the License
43 Fund-Wildlife Resources and used only for the replacement, habitat management or enforcement

44 programs for injured or killed game or protected species of animal.

45 (d) Any person convicted of an offense described in subsection (a) of this section and
46 subject to the replacement cost provisions of subsection (b) of this section shall also be subject
47 to a revocation of hunting and fishing license for a period of five years pursuant to §20-2-38 of
48 this code and such person shall not be issued any other hunting license for a period of five years.

49 (e) Any person convicted of an offense described in subsection (a) of this section and
50 subject to the replacement cost provisions of subdivision (a)(11) of this section shall also be
51 subject to a revocation of hunting and fishing license for a period of five years pursuant to §20-2-
52 38 of this code and such person shall not be issued any other hunting license for a period of five
53 years.

NOTE: The purpose of this bill is to increase replacement costs for game and protected species, increase additional replacement costs for antlered deer and to add hunting and fishing license revocation provisions.

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