

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4514

BY DELEGATES ATKINSON, ANDERSON, CADLE,

WESTFALL, TOMBLIN, PORTERFIELD AND HOTT

(BY REQUEST OF THE DIVISION OF NATURAL RESOURCES,

DEPARTMENT OF COMMERCE)

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

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section
2 designated §20-2-5j; 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; and
4 setting forth how dogs caught chasing deer are to be handled.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-5j. 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 use leashed
3 dogs to track and locate the mortally wounded deer or bear. The hunter is also permitted to use
4 a dog handler of leashed dogs to track and locate the mortally wounded deer or bear. The hunter
5 or the dog handler shall maintain physical control of the leashed dogs at all times.

6 (b) The act of tracking a mortally wounded deer or bear with a dog is hunting and the
7 hunter and handler are subject to all applicable laws and rules, including the requirement to have
8 written permission to hunt on private property and to hunt during legal hunting hours. It is unlawful
9 for a hunter or dog handler to track deer or bear with leashed dogs under the provisions of this
10 section unless he or she is in possession of a valid hunting license issued pursuant to §20-2-1 et
11 seq. of this code or is a person excepted from licensing requirements pursuant to §20-2-27 and
12 §20-2-28 of this code, and all other lawful authorizations as prescribed in §20-2-37 of this code.
13 The hunter shall accompany the dog handler and only the hunter may kill a mortally wounded
14 deer or bear. The deer or bear shall count toward the bag limit of the hunter.

15 (c) Any dog handler providing tracking services for profit must be licensed as an outfitter
16 or guide pursuant to §20-2-23 of this code.

§20-2-16. Dogs chasing deer.

1 No person may permit or use his or her dog to hunt or chase deer. A Except as provided
2 in §20-2-5j of this code, 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 determined, the dog shall be returned to the owner. If the owner of the
15 dog cannot be determined, the natural resources police officer shall deliver the dog to the
16 appropriate county humane officer or facility consistent with the provision of this code.

NOTE: The purpose of this bill is to permit the use of leashed dogs to track mortally wounded deer or bear. The bill sets forth how dogs caught chasing deer are to be handled.

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