

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 469**

SENATORS HAMILTON, SYPOLT, PREZIOSO, JEFFRIES, AND

WOELFEL

[Originating in the Committee on Natural Resources;

reported on January 22, 2020]

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

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

## **ARTICLE 2. WILDLIFE RESOURCES.**

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

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 each 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~~ \$500;

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 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.