

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 411

BY SENATOR SYPOLT

[Introduced January 17, 2022; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating
 2 to authorizing the Division of Natural Resources to promulgate a legislative rule relating to
 3 commercial sale of wildlife.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 10. AUTHORIZATION FOR DEPARTMENT OF COMMERCE TO
 PROMULGATE LEGISLATIVE RULES.**

§64-10-1. Division of Natural Resources.

1 The legislative rule filed in the State Register on July 30, 2021, authorized under the
 2 authority of §20-2-11 of this code, modified by the Division of Natural Resources to meet the
 3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
 4 December 29, 2021, relating to the Division of Natural Resources (Commercial Sale of Wildlife,
 5 [58 CSR 63](#)), is authorized with the amendments set forth below:

6 On page 5, section 8.1, by striking out subsection 8.1 in its entirety and inserting in lieu
 7 thereof:

8 “§58-63-8. Penalties.

9 8.1. Any person accused of violating any provision of this rule may, in the discretion of the
 10 Director, be referred to the county prosecutor in the county of the alleged offense for potential
 11 prosecution of a misdemeanor or felony. If the county prosecutor determines that a referred
 12 violation of this rule meets the act and state of mind requirements for criminal liability under West
 13 Virginia law, upon conviction thereof, the violator may be punished by a fine of up to a \$500 or up
 14 to 30 days of incarceration in the county jail, or a combination of fine and incarceration. As
 15 applicable, the violation may, in the discretion of the county prosecutor, be prosecuted pursuant
 16 to and sentenced by a court in accordance with W.Va. Code Chapter 61: Provided, That
 17 convictions for violations of this rule may only be subject to incarceration if the rule violation
 18 convicted of posed a substantial risk to life or public safety, or in fact caused actual substantial

19 harm resulting from the violation.”

NOTE: The purpose of this bill is to authorize the Division of Natural Resources to promulgate a legislative rule relating to Commercial Sale of Wildlife.

This section is new; therefore, strike-throughs and underscoring have been omitted.