

H. B. 4505

(By Delegates Hall, Shaver, Perdue, Williams,
Moye, Perry, R. Phillips and Ferro)

[Introduced February 13, 2012; referred to the
Committee on Natural Resources then the Judiciary.]

A BILL to amend and reenact §20-2-37 of the Code of West Virginia,
1931, as amended, relating to allowing shooters who are in
possession of a firearm in or near the woods to not have to
possess a valid hunting license.

Be it enacted by the Legislature of West Virginia:

That §20-2-37 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

**§20-2-37. Display of license, etc., by persons in possession of
hunting, fishing, etc., paraphernalia.**

(a) Any ~~person having in his or her possession in or near the
fields or woods, or about the streams of this state, any dog, gun,
fishing rod or other hunting, fishing or trapping paraphernalia,
shall, upon demand of any officer authorized to enforce the
provisions of this chapter~~ shall have authority to require any

1 person who is hunting, pursuing, or in possession of game in or
2 near the fields or woods or about the streams of this state to
3 state his or her correct name and address, and shall exhibit for
4 inspection: ~~(a)~~ (1) All applicable licenses and documents set
5 forth in section thirty-six of this article; and ~~(b)~~ (2) all
6 firearms and wildlife which he or she may have in his or her
7 possession.

8 (b) The mere fact that a person possesses a firearm shall not
9 trigger the authority of subsection (a) but may be considered along
10 with other evidence in a determination as to whether a person is
11 hunting or pursuing game.

12 (c) Nothing in this section may be construed as authorizing
13 searches that violate article three, section six of the West
14 Virginia Constitution or the Fourth Amendment to the Constitution
15 of the United States, nor may anything in this section be construed
16 as effecting a waiver of these constitutional provisions.

NOTE: The purpose of this section is to better clarify the distinction between hunters and shooters in the field. It would allow shooters who are in possession of a firearm in or near the woods to not have to possess a valid hunting license.

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