

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

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for

Senate Bill 469

BY SENATORS TAKUBO, JEFFRIES, MAYNARD AND CLINE

[Originating in the Committee on the Judiciary;

reported on March 27, 2017]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §20-2-5i, relating to prohibiting the wanton waste of game animals, game birds
3 and game fish or parts thereof; defining “wanton waste”; providing exclusions; and setting
4 forth misdemeanor criminal penalties and fines.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §20-2-5i, to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-5i. Wanton waste of game animals, game birds or game fish; penalties.

1 (a) A person may not wantonly waste a game animal, game bird or game fish that has
2 been wounded, killed or taken by the person while hunting or fishing. This section does not apply
3 to groundhogs or fur-bearing animals.

4 (b) For purposes of this section, “wanton waste” means:

5 (1) To detach or remove only the head, hide, feet, paws, claws, antlers, tusks, gallbladder
6 or teeth or some of these parts from the carcass of a game animal;

7 (2) To detach or remove only the feathers, fan, beard or spurs, or some of these parts,
8 from a game bird;

9 (3) To intentionally dispose of a game fish, or a portion of a game fish, suitable for human
10 consumption in the fields, woods or streams;

11 (4) To leave a wounded or killed game animal or game bird in the fields or woods without
12 making a reasonable effort to retrieve it for human consumption or other use. However, a person
13 is not required to retrieve a wounded game animal or game bird if the retrieval would violate other
14 provisions of this article; or

15 (5) To transport, store or hang the carcass of a game animal, game bird or game fish in a
16 manner that renders it unfit for human consumption.

17 (c) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
18 conviction thereof, is subject to the following penalties:

19 (1) With respect to big game as defined in section two, article one of this chapter, a fine of
20 not less than \$500 nor more than \$2,500, or confinement in jail not less than ten days nor more
21 than one hundred days, or both fined and confined. Additionally, the person is subject to the
22 applicable forfeiture provisions set forth in section five-a of this article. Further, the person's
23 hunting and fishing licenses shall be suspended for five years.

24 (2) With respect to all other game animals, game birds or game fish, a fine of not less than
25 \$100 nor more than \$1,000, or confinement in jail not less than ten days nor more than one
26 hundred days, or both fined and confined.

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