

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 469

BY SENATORS TAKUBO, JEFFRIES, MAYNARD AND CLINE

[Introduced February 28, 2017; Referred
to the Committee on Natural Resources; and then to
the Committee on the Judiciary]

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 waste of game animals, game birds or
 3 game fish; and providing criminal penalties.

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. Waste of game animals, game birds or game fish; penalties.

1 (a) A person may not waste a game animal, game bird or game fish that has been
 2 wounded, killed or taken while hunting or fishing. This section does not apply to fur-bearing
 3 animals. For purposes of this section, "waste" means:

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

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

8 (3) To intentionally dispose of or abandon any portion of a game fish suitable for food in
 9 the fields or woods or about the streams of the state;

10 (4) To leave a wounded or killed game animal or game bird in the fields or woods of the
 11 state without making a reasonable effort to retrieve and render it for consumption or use;

12 Provided, That nothing in this subsection shall be construed as requiring any person to retrieve a
 13 wounded game animal or game bird if such retrieval would violate other provisions of this article;

14 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 (b) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
 18 conviction thereof, shall be 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 confined in jail not less than ten days nor more than
21 one hundred days, or both fined and confined. Additionally, the person shall be 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 animal, game birds or game fish, a fine of not less than
25 \$100 nor more than \$1,000, or confined in jail not less than ten days nor more than one hundred
26 days, or both fined and confined.

NOTE: The purpose of this bill is to prohibit the wanton waste of game animals, game birds or game fish.

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