

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4116

BY DELEGATES STEELE AND PACK

(BY REQUEST)

[Introduced January 13, 2020; Referred to the
Committee on Agriculture and Natural Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §20-2-5j; and amend and reenact §20-2-16 of said code, all relating to the
 3 permitting the tracking of wounded or injured deer or bear with leashed dogs; and
 4 providing that if the owner of a dog that has been used to hunt or chase deer cannot
 5 be ascertained, the natural resources police officer is to deliver the dog to the
 6 appropriate county humane officer or facility.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-5j. Leashed dogs for tracking mortally wounded deer or bear.

1 (a) Notwithstanding any provision of this chapter to the contrary, a person who is legally
 2 hunting and reasonably believes he or she has mortally wounded a deer or bear may either
 3 personally, or by engaging a dog handler, use a leashed dog to track and locate the mortally
 4 wounded deer or bear. The hunter or the dog handler shall maintain physical control of the
 5 leashed dog at all times.

6 (b) The tracking dog shall be on a leash no longer than 30 feet nor less than 10 feet
 7 controlled by the handler for control and safety purposes.

8 (c) The hunter and the dog handler shall possess a valid West Virginia hunting license
 9 and all required stamps or permits. Only the hunter may kill a mortally wounded deer or bear, and
 10 the deer or bear shall count toward the bag limit of the hunter.

§20-2-16. Dogs chasing deer.

1 No person may permit or use his or her dog to hunt or chase deer. A natural resources
 2 police officer shall take into possession any dog known to have hunted or chased deer. ~~and the~~
 3 ~~director shall advertise that the dog is in his or her possession, giving a description of the dog and~~
 4 ~~stating the circumstances under which it was taken. The notice shall be published as a Class I~~
 5 ~~legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this~~

6 ~~code, and the publication area for the publication is the county. He or she shall hold the dog for a~~
7 ~~period of ten days after the date of the publication. If, within ten days, the owner does not claim~~
8 ~~the dog, the director shall destroy it. In this event the cost of keeping and advertising shall be paid~~
9 ~~by the director. If, within ten days, the owner claims the dog, he or she may repossess it on the~~
10 ~~payment of costs of advertising and the cost of keep, not exceeding 50¢ per day. A natural~~
11 ~~resources police officer, or any officer or employee of the director authorized to enforce the~~
12 ~~provisions of this section, after a bona fide but unsuccessful effort to capture dogs detected~~
13 ~~chasing or pursuing deer, may kill the dogs~~ If the owner of the dog can be ascertained, the
14 dog shall be returned to the owner. If the owner of the dog cannot be ascertained, the
15 natural resources police officer shall deliver the dog to the appropriate county humane
16 officer or facility consistent with the provisions of this code.

NOTE: The purpose of this bill is to permit the tracking of wounded or injured deer or bear with leashed dogs. The bill provides that if the owner of a dog that has been used to hunt or chase deer cannot be ascertained, the natural resources police officer shall deliver the dog to the appropriate county humane officer or facility.

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