

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 550**

SENATORS MAYNARD, CLINE, JEFFRIES, AND STOLLINGS,

*original sponsors*

[Originating in the Committee on Natural Resources;

reported on January 28, 2020]



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 to amend and reenact §20-2-16 of said code, all relating to  
3 hunting; permitting the use of leashed dogs to track mortally wounded deer or bear; and  
4 amending protocol for dogs hunting or chasing deer.

*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 use leashed  
3 dogs to track and locate the mortally wounded deer or bear. The hunter is also permitted to use  
4 a dog handler of leashed dogs to track and locate the mortally wounded deer or bear. The hunter  
5 or the dog handler shall maintain physical control of the leashed dogs at all times.

6 (b) The act of tracking a mortally wounded deer or bear with a dog is hunting and the  
7 hunter and handler are subject to all applicable laws and rules. It is unlawful for a hunter or dog  
8 handler to track deer or bear with leashed dogs under the provisions of this section unless he or  
9 she is in possession of a valid hunting license issued pursuant to this article or is a person  
10 excepted from licensing requirements pursuant to this article, and all other lawful authorizations  
11 as prescribed in this article. The hunter shall accompany the dog handler and only the hunter  
12 may kill a mortally wounded deer or bear. The deer or bear shall count toward the bag limit of the  
13 hunter.

14 (c) Any dog handler providing tracking services for profit must be licensed as an outfitter  
15 or guide pursuant to this article.

### **§20-2-16. Dogs hunting or chasing deer.**

1 ~~No~~ Except as provided in §20-2-5j of this code, no person may permit or use his or her  
2 dog to hunt or chase deer. A Natural Resources police officer shall take into possession any dog  
3 known to have hunted or chased deer in violation of §20-2-5j of this code. ~~and the director shall~~

4 ~~advertise that the dog is in his or her possession, giving a description of the dog and stating the~~  
5 ~~circumstances under which it was taken. The notice shall be published as a Class I legal~~  
6 ~~advertisement in compliance with the provisions of article three, chapter fifty nine of this code,~~  
7 ~~and the publication area for the publication is the county. He or she shall hold the dog for a period~~  
8 ~~of ten days after the date of the publication. If, within ten days, the owner does not claim the dog,~~  
9 ~~the director shall destroy it. In this event the cost of keeping and advertising shall be paid by the~~  
10 ~~director. If, within ten days, the owner claims the dog, he or she may repossess it on the payment~~  
11 ~~of costs of advertising and the cost of keep, not exceeding 50¢ per day. A natural resources police~~  
12 ~~officer, or any officer or employee of the director authorized to enforce the provisions of this~~  
13 ~~section, after a bona fide but unsuccessful effort to capture dogs detected chasing or pursuing~~  
14 ~~deer, may kill the dogs. If the owner of the dog can be determined, the dog shall be returned to~~  
15 ~~the owner. If the owner of the dog cannot be determined, the Natural Resources police officer~~  
16 ~~shall deliver the dog to the appropriate county humane officer or facility consistent with the~~  
17 ~~provision of this code.~~

NOTE: The purpose of this bill is to permit the use of leashed dogs to track mortally wounded deer or bear and to amend the protocol for dogs hunting or chasing deer.

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