

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2836

**FISCAL
NOTE**

By Delegates Rohrbach, Hornby, Amos, Funkhouser,
Browning, Chiarelli, Holstein, Bridges, Pritt, Pinson,
and Dean

[Introduced February 24, 2025; referred to the
Committee on Government Organization]

A BILL to amend and reenact §20-2-4 of the Code of West Virginia, 1931, as amended, relating to wildlife resources; and permitting individuals, referred to as a "Wildlife Rehabilitator", to capture and transport, receive, temporarily confine, provide medical and supportive care to release and humanely dispatch orphaned, injured or ill native wildlife provided that the methods and documentation for such activities are in accordance with permit conditions set forth by the director of the Division of Wildlife Resources.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-4. Possession of wildlife.

(a) Except for wildlife lawfully taken, killed or obtained, no person may have in his or her possession any wildlife, or parts thereof, during closed seasons. It is unlawful to possess any wildlife, or parts thereof, which have been illegally taken, killed or obtained. This does not include the possession of deer antlers that are naturally shed and collected by a person from his or her own land, from public lands unless prohibited by law, or from private lands with the written permission of the landowner in hand. Any wildlife illegally taken, killed or possessed shall be forfeited to the state and shall be counted toward the daily, seasonal, bag, creel and possession limit of the person in possession of, or responsible for, the illegal taking or killing of any wildlife. It is unlawful to take, obtain, purchase, possess or maintain in captivity any live wildlife, wild animals, wild birds, game or fur-bearing animals except as provided by this chapter or any rule promulgated thereunder.

(b) Wildlife lawfully taken outside of this state is subject to the same laws and rules as wildlife taken within this state.

(c) Migratory wild birds may be possessed only in accordance with the Migratory Bird Treaty Act, 16 U. S. C. §703, *et seq.*, and its regulations.

(d) The restrictions in this section do not apply to the director or duly authorized agents, who may take or maintain in captivity any wildlife for the purpose of carrying out the provisions of

18 this chapter.

19 (e) Wildlife, except protected birds, elk, spotted fawn and bear cubs, killed or mortally
20 wounded as a result of being accidentally or inadvertently struck by a motor vehicle may be
21 lawfully possessed if the possessor of the wildlife provides notice of the claim within 12 hours to a
22 relevant law-enforcement agency and obtains a nonhunting game tag within 24 hours of
23 possession. The director shall propose administrative policy which addresses the means,
24 methods and administrative procedures for implementing the provisions of this section.

25 (f) Persons are required to electronically register deer, bear, turkey, wild boar, bobcat,
26 beaver, otter and fisher in accordance with rules promulgated by the director. "Electronically
27 register" means submission of all necessary and relevant information to the division, in the manner
28 designated by rule governing the electronic registration of wildlife. The director may promulgate
29 rules, pursuant to §29A-3-1 *et seq.* of this code, governing the electronic registration of wildlife:
30 *Provided*, That the rules shall include a procedure for persons who are not required to obtain
31 licenses or permits under §20-2-28 of this code to register wildlife using identification other than a
32 social security number. The rules may use a system of a combination of the last four digits of the
33 social security number, date of birth and last name of the person.

34 (g) The director may permit individuals, (hereinafter be referred to as a "Wildlife
35 Rehabilitator"), to capture and transport, receive, temporarily confine, provide medical and
36 supportive care to, release and humanely dispatch orphaned, injured or ill native wildlife provided
37 that the methods and documentation for such activities are in accordance with permit conditions
38 set forth by the director. The director may promulgate rules, pursuant to §29A-3-1 *et seq.*,
39 governing the wild animal rehabilitation permits for individuals referred to as wildlife rehabilitators
40 as set forth in this subsection.

41 (1) Rehabilitation of Native Wildlife -- A licensed veterinarian or animal control agency may
42 also receive, temporarily confine, provide medical and supportive care to, release or humanely
43 dispatch orphaned, injured or ill native wildlife for emergency treatment without a wildlife

44 rehabilitator permit if the native wildlife is not held for more than 48 hours before contacting the
45 division of wildlife resources or a permitted wildlife rehabilitator to confirm the animal will be
46 accepted. Native wildlife shall be transferred to a properly permitted wildlife rehabilitator as soon
47 as specialized care is no longer required.

48 (2) Any person may capture and transport injured, orphaned, or ill native wildlife, without
49 unnecessary delay, directly to a permitted wildlife rehabilitator, division employee, licensed
50 veterinarian, or animal control agency authorized to possess these animals, but only after
51 contacting the facility and confirming that the animal will be accepted. Prior to transport, no care
52 may be provided to native wildlife unless directed by the permitted wildlife rehabilitator or division
53 employee.

54 (3) Releasable native wildlife may not be intentionally tamed or kept longer than is required
55 for the restoration of its health. If an animal becomes habituated or has a medical diagnosis
56 preventing release, non-releasable native wildlife may be held under the authority of a licensed
57 wildlife rehabilitator permit for educational programs or exhibits. The animal may also be
58 transferred to a licensed zoological park, museum, or entity approved and authorized by the
59 director.

60 (4) Native wildlife that is being improperly cared for, as determined by the Minimum
61 Standards for Wildlife Rehabilitation (MSWR), may be removed by a division wildlife officer. Prior
62 to a removal, the permittee must be given written notice stating what deficiencies exist and be
63 given at least 14 days to correct any such deficiencies.

64 (5) Native Wildlife Rehabilitation Permit -- Wildlife rehabilitators shall provide proof of
65 certification through the International Wildlife Rehabilitators Council or be a licensed veterinarian
66 in order to be considered eligible for this permit.

67 No one convicted of a state or federal wildlife crime may be considered eligible for this
68 permit.

69 Wildlife rehabilitators shall have facilities established which are in accordance with the
70 Minimum Standards for Wildlife Rehabilitation to be approved by inspection from the Division of
71 Wildlife Resources prior to being granted this permit and accepting native wildlife for rehabilitation.

72 In order to obtain a Wildlife Rehabilitation Permit, the individual shall provide a letter of
73 competence from a licensed veterinarian, zoological facility, or other licensed West Virginia
74 rehabilitator stating that they are able to properly care for native wildlife that has been orphaned,
75 injured or ill.

76 (6) Records of all native wildlife cared for by a wildlife rehabilitator shall be kept detailing
77 the date of intake, species of animal, circumstances of intake, and circumstances and date of final
78 disposition to be submitted to the Division of Wildlife Resources annually.

NOTE: The purpose of this bill is to permit individuals, referred to as a "Wildlife Rehabilitator", to capture and transport, receive, temporarily confine, provide medical and supportive care to release and humanely dispatch orphaned, injured or ill native wildlife provided that the methods and documentation for such activities are in accordance with permit conditions set forth by the director of the Division of Wildlife Resources.

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