

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4559**

By Delegates Brooks, Pritt, and Martin

[Introduced January 20, 2026; referred to the

Committee on Government Organization]

1 A BILL to amend and reenact §20-2-22a of the Code of West Virginia, 1931, as amended, relating  
2 to eliminating the restriction on bear kills during concurrent hunting seasons for deer and  
3 bear when baiting is used for deer.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-22a. Hunting, tagging and reporting bear; procedures applicable to property  
destruction by bear; penalties.**

1 (a) A person may not hunt, capture, or kill any bear, or have in his or her possession any  
2 bear or bear parts, except during the hunting season for bear in the manner designated by rule or  
3 law. For the purposes of this section, bear parts include, but are not limited to, the pelt, gallbladder,  
4 skull and claws of bear.

5 (b) A person who kills a bear shall, within 24 hours after the killing, electronically register  
6 the bear. A game tag number shall be issued to the person and recorded in writing with the  
7 person's name and address, or on a field tag and shall remain on the skin until it is tanned or  
8 mounted. Any bear or bear parts not properly tagged shall be forfeited to the state for disposal to a  
9 charitable institution, school or as otherwise designated by the director.

10 (c) Training dogs on bears or pursuing bears with dogs is the hunting of bear for all  
11 purposes of this chapter, including all applicable regulations and license requirements.

12 (d) It is unlawful:

13 (1) To hunt bear without a bear damage stamp, as prescribed in §20-2-44b of this code, in  
14 addition to a hunting license as prescribed in this article;

15 (2) To hunt a bear with:

16 (A) A shotgun using ammunition loaded with more than one solid ball; or

17 (B) A rifle of less than 25 caliber using rimfire ammunition;

18 (3) To kill or attempt to kill, or wound or attempt to wound, any bear through the use of bait,  
19 poison, explosives, traps or deadfalls or to feed bears at any time. For purposes of this section,

20 bait includes, but is not limited to, corn and other grains, animal carcasses or animal remains,  
21 grease, sugars in any form, scent attractants and other edible enticements, and an area is  
22 considered baited for 10 days after all bait has been removed: Provided, That this provision does  
23 not apply if a bear is killed, in an area where bait, corn and other grains, were used to attract deer,  
24 during a hunting season that is concurrent with hunting deer and;

25 (4) To shoot at or kill:

26 (A) A bear weighing less than 75 pounds live weight or 50 pounds field dressed weight,  
27 after removal of all internal organs;

28 (B) Any bear accompanied by a cub; or

29 (C) Any bear cub so accompanied, regardless of its weight;

30 (5) To transport or possess any part of a bear not tagged in accordance with the provisions  
31 of this section;

32 (6) To possess, harvest, sell or purchase bear parts obtained from bear killed in violation of  
33 this section; or

34 (7) Except as provided in §20-2-5j of this code, to organize for commercial purposes or to  
35 professionally outfit a bear hunt, or to give or receive any consideration whatsoever or any  
36 donation in money, goods or services in connection with a bear hunt, notwithstanding the  
37 provisions of §20-2-23 and §20-2-24 of this code.

38 (e) The following provisions apply to bear damaging or destroying property:

39 (1)(A) Any property owner or lessee who has suffered damage to real or personal property,  
40 including loss occasioned by the death or injury of livestock or the unborn issue of livestock,  
41 caused by an act of a bear may complain to any natural resources police officer of the division for  
42 protection against the bear.

43 (B) Upon receipt of the complaint, the officer shall immediately investigate the  
44 circumstances of the complaint. If the officer is unable to personally investigate the complaint, he  
45 or she shall designate a wildlife biologist to investigate on his or her behalf.

46 (C) If the complaint is found to be justified, the officer or designated wildlife biologist may  
47 issue a permit to kill the bear that caused the property damage or may authorize the owner and  
48 other residents to proceed to hunt, destroy or capture the bear that caused the property damage:  
49 *Provided*, That only the natural resources police officer or the wildlife biologist may recommend  
50 other measures to end or minimize property damage: *Provided, however*, That, if out-of-state dogs  
51 are used in the hunt, the owners of the dogs are the only nonresidents permitted to participate in  
52 hunting the bear.

53 (2)(A) When a property owner has suffered damage to real or personal property as the  
54 result of an act by a bear, the owner shall file a report with the director of the division. A bear  
55 damage report shall be completed by a representative of the division and shall state whether or not  
56 the bear was hunted and destroyed or killed under authorization of a depredation permit and, if so,  
57 the sex and weight shall be recorded and a premolar tooth collected from the bear, all of which  
58 shall be submitted with the report. The report shall also include an appraisal of the property  
59 damage occasioned by the bear fixing the value of the property lost. Bear damage claims will not  
60 be accepted for personal and real property which is commonly used for the purposes of feeding,  
61 baiting, observing or hunting wildlife, including, but not limited to, hunting blinds, tree stands,  
62 artificial feeders, game or trail cameras and crops planted for the purposes of feeding or baiting  
63 wildlife.

64 (B) The report shall be ruled upon and the alleged damages examined by a commission  
65 comprised of the complaining property owner, an officer of the division and a person to be jointly  
66 selected by the officer and the complaining property owner.

67 (C) The division shall establish the procedures to be followed in presenting and deciding  
68 claims, issuing bear depredation permits and organizing bear hunts under this section in  
69 accordance with §29A-3-1 *et seq.* of this code.

70 (D) All claims shall be paid in the first instance from the Bear Damage Fund provided in  
71 §20-2-44b of this code: *Provided*, That the claimant shall submit accurate information as to

72 whether he or she is insured for the damages caused by the acts of bear on forms prescribed by  
73 the director, and all damage claims shall first be made by the claimant against any insurance  
74 policies before payment may be approved from the Bear Damage Fund. Claims for an award of  
75 compensation from the Bear Damage Fund shall be reduced or denied in the amount the claimant  
76 is actually reimbursed by insurance for the economic loss upon which the claim is based. In the  
77 event the fund is insufficient to pay all claims determined by the commission to be just and proper,  
78 the remainder due to owners of lost or destroyed property shall be paid from the special revenue  
79 account of the division.

80 (3) In all cases where the act of the bear complained of by the property owner is the killing  
81 of livestock, the value to be established is the fair market value of the livestock at the date of death.  
82 In cases where the livestock killed is pregnant, the total value is the sum of the values of the  
83 mother and the unborn issue, with the value of the unborn issue to be determined on the basis of  
84 the fair market value of the issue had it been born.

85 (f) Criminal penalties. (1) Any person who commits a violation of the provisions of this  
86 section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500  
87 nor more than \$1,000, which is not subject to suspension by the court, confined in jail not less than  
88 10 nor more than 30 days, or both fined and confined. Further, the person's hunting and fishing  
89 licenses shall be assigned six points, however, the hunting and fishing licenses of any person  
90 convicted of a violation of this section which results in the killing or death of a bear shall be  
91 suspended for two years.

92 (2) Any person who commits a second violation of the provisions of this section is guilty of a  
93 misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than  
94 \$3,000, which is not subject to suspension by the court, confined in jail not less than 30 days nor  
95 more than 100 days, or both fined and confined. The person's hunting and fishing licenses shall be  
96 suspended for five years.

97 (3) Any person who commits a third or subsequent violation of the provisions of this section

98 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$2,500 nor  
99 more than \$5,000, which is not subject to suspension by the court, confined in jail not less than six  
100 months nor more than one year, or both fined and confined. The person's hunting and fishing  
101 licenses shall be suspended for 10 years.

NOTE: The purpose of this bill is to eliminate the restriction on bear kills, when deer baiting is used during concurrent deer and bear hunting season.

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