

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

HOUSE BILL No. 786

(By Mr. Densard and Mr. ~~Har~~ ^{Harvise})



PASSED March 6, 1967

In Effect for Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-16-67

786

ENROLLED

House Bill No. 786

(By MR. OURS and MR. HAWSE)

[Passed March 6, 1967; in effect from passage.]

AN ACT to amend and reenact section five, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to unlawful methods of hunting and fishing.

Be it enacted by the Legislature of West Virginia:

That section five, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. GAME AND FISH.

§20-2-5. Unlawful methods of hunting and fishing.

- 1 Except as authorized by the director, it shall be unlaw-
- 2 ful at any time for any person to:

3 (1) Shoot at or to shoot any wild bird or animal unless
4 it is plainly visible to him;

5 (2) Dig out, cut out, or smoke out, or in any manner
6 take or attempt to take any live wild animal or wild
7 bird out of its den or place of refuge, except as may be
8 authorized by regulations promulgated by the director
9 or by law;

10 (3) Make use of, or take advantage of, any artificial
11 light in hunting for, or taking any wild animals or wild
12 birds, except that artificial lights such as are ordinarily
13 carried in the hand or on the person may be used for
14 the purpose of taking raccoon, opossum or skunk; or to
15 throw or cast the rays of a spotlight, headlight, or other
16 artificial light, from any vehicle, on any animal or
17 game bird, or attempt to do so, while having in his or
18 their possession or under their control, or in any vehicle
19 or conveyance in which they may be traveling, a cased
20 or uncased firearm or other implement whereby any wild
21 animal or wild bird could be killed, even though such
22 animal be not shot at, injured or killed. The provisions
23 of this subdivision shall not apply if it shall be proven

24 that the headlights of a motor vehicle while traveling on
25 a highway in the usual way, cast a light upon such animal,
26 on or adjacent to such highway, and there was no at-
27 tempt or intent to locate such animal;

28 (4) Hunt for, take, kill, wound or shoot at wild animals
29 or wild birds from an airplane, or other airborne convey-
30 ance, an automobile, or other land conveyance, or from
31 a motor-driven water conveyance, except as may be
32 authorized by regulations promulgated by the director;

33 (5) Take any beaver or muskrat by any means other
34 than by trap;

35 (6) Catch, capture, take or kill by seine, net, bait,
36 trap or snare or like device of any kind, any wild turkey,
37 ruffed grouse, pheasant or quail;

38 (7) Destroy or attempt to destroy needlessly or wil-
39 fully the nest or eggs of any wild bird or have in his
40 possession such nest or eggs unless authorized to do so
41 under regulations or under a permit by the director;

42 (8) Except as provided in section six of this article,
43 carry an uncased or loaded gun in any of the woods of
44 this state except during the open firearms hunting sea-

45 son for game animals and nonmigratory game birds
46 within any county of the state, unless he has in his pos-
47 session a permit in writing issued to him by the director:
48 *Provided, however,* That this section shall not prohibit
49 hunting or taking of unprotected species of wild animals
50 and wild birds and migratory game birds, during the
51 open season, in the open fields, open water and open
52 marshes of the state;

53 (9) Except as provided in section six of this article,
54 carry an uncased or loaded gun after the hour of five
55 o'clock, antemeridian on Sunday in any woods or on any
56 highway, railroad right of way, public road, field or
57 stream of this state, except at a regularly used rifle, pistol,
58 skeet, target or trap shooting ground or range and noth-
59 ing contained in section eighteen, article eight, chapter
60 sixty-one of the code shall prohibit the use of a gun by
61 licensed hunter before the hour of five o'clock ante-
62 meridian on Sunday;

63 (10) To have in his possession a loaded firearm or a
64 firearm from the magazine of which all shells and car-

65 tridges have not been removed, in or on any vehicle or
66 conveyance, or its attachments, within the state, except
67 as may otherwise be provided by law or regulation.
68 Except as hereinafter provided, between five o'clock post-
69 meridian of one day and seven o'clock antemeridian,
70 eastern standard time of the day following, any unloaded
71 firearm, being lawfully carried in accordance with the
72 foregoing provisions, shall be so carried only when in a
73 case or taken apart and securely wrapped. During the
74 period from July first to September thirtieth, inclusive,
75 of each year, the foregoing requirements relative to
76 carrying certain unloaded firearms shall be permissible
77 only from eight-thirty o'clock postmeridian to five o'clock
78 antemeridian, eastern standard time;

79 (11) Hunt, catch, take, kill, trap, injure or pursue with
80 firearms or other implement by which wildlife may be
81 taken after the hour of five o'clock antemeridian on
82 Sunday any wild animals or wild birds: *Provided, how-*
83 *ever,* That traps previously and legally set may be tended
84 after the hour of five o'clock antemeridian on Sunday, if

85 the person so doing shall not have firearms or long bow
86 of any description in his possession;

87 (12) Hunt with firearms or long bow while under the
88 influence of intoxicating liquor;

89 (13) Possess a ferret;

90 (14) Buy raw furs, pelts or skins of fur-bearing
91 animals unless licensed to do so;

92 (15) Have in his possession or about his premises,
93 without the written permission of the director, any hunt-
94 ing or fishing paraphernalia which cannot be used law-
95 fully in this state for hunting or fishing, and any con-
96 servation officer shall remove and destroy such hunting
97 and fishing paraphernalia, whenever found in this state,
98 and the person or persons claiming ownership shall have
99 no recourse at law against such confiscation and de-
100 struction;

101 (16) Catch, take, kill, or attempt to catch, take or kill
102 any fish at any time by any means other than by rod,
103 line, and hooks with natural or artificial lures unless
104 otherwise authorized by law or regulation issued by the
105 director: *Provided, however,* That snaring of any species

106 of suckers, carp, fallfish and creek chubs shall at all
107 times be lawful;

108 (17) Employ or hire, or induce or persuade, by the
109 use of money or other things of value, or by any means,
110 any person to hunt, take, catch or kill, any wild animal
111 or wild bird except those species on which there is no
112 closed season, or to fish for, catch, take or kill any fish,
113 amphibian or aquatic life which is protected by the
114 provisions of this chapter or regulations of the director,
115 or the sale of which is prohibited;

116 (18) Hunt, catch, take, kill, capture, pursue, trans-
117 port, possess or use any migratory game or nongame
118 birds included in the terms of conventions between the
119 United States and Great Britain and between the United
120 States and United Mexican States for the protection of
121 migratory birds and game mammals concluded, respec-
122 tively, August sixteen, one thousand nine hundred six-
123 teen, and February seven, one thousand nine hundred
124 thirty-six, except during the time and in the manner and
125 and numbers prescribed by the Federal Migratory Bird
126 Treaty Act and regulations made thereunder;

127 (19) Kill, take, catch, or have in his possession living
128 or dead, any wild bird, other than a game bird; or ex-
129 pose for sale, or transport within or without the state
130 any such bird, except as aforesaid. No part of the plum-
131 age, skin or body of any protected bird shall be sold or
132 had in possession for sale, except mounted or stuffed
133 plumage, skin, bodies or heads of such birds legally
134 taken and stuffed or mounted, irrespective of whether
135 such bird was captured within or without this state, ex-
136 cept the English or European sparrow (*Passer domes-*
137 *ticus*), starling (*sturnus vulgaris*), sharp-shinned hawk
138 (*Accipiter striatus*), Cooper's Hawk (*Accipiter cooperii*),
139 goshawk (*Accipiter gentilis*), crow (*Corvus brachyrhyn-*
140 *chos*) and cowbird (*Molothrus ater*), which shall not be
141 protected and the killing thereof at any time is lawful;
142 (20) Use dynamite or any like explosives or poisonous
143 mixture placed in any waters of the state for the purpose
144 of killing or taking fish. Any person violating the provi-
145 sions of this subdivision shall be guilty of a felony, and,
146 upon conviction thereof, shall be imprisoned for not less
147 than six months nor more than three years, and, in the

148 discretion of the court, may be fined not more than five
149 hundred dollars;

150 (21) Have both a bow and a gun in the fields or
151 woods at the same time;

152 (22) Have a crossbow in the woods or fields or use a
153 crossbow to hunt for, take or attempt to take any wildlife;

154 (23) Take or attempt to take turkey, bear, elk or
155 deer with any arrow unless the same is equipped with a
156 point having at least two sharp cutting edges measuring
157 in excess of three fourths of an inch wide;

158 (24) Take or attempt to take any wildlife with an
159 arrow having an explosive head or shaft, a poisoned
160 arrow, or an arrow which would affect wildlife by any
161 chemical action;

162 (25) Shoot an arrow across any public highway or
163 from aircraft, motor-driven watercraft, motor vehicle or
164 other land conveyance;

165 (26) Permit any dog owned by him or under his
166 control to chase, pursue or follow upon the track of
167 any game animal or game bird, either day or night,
168 between the first day of May and the fifteenth day of

169 August next following: *Provided, however,* That dogs
170 may be trained on game animals and game birds, except
171 deer and wild turkeys, and field trials may be held or
172 conducted on the grounds or lands of the owner or by
173 his bona fide tenant or tenants or upon the grounds or
174 lands of another person with his written permission or
175 on public lands, at any time: *Provided further,* That the
176 person training said dogs does not have firearms or other
177 implements in his possession during the closed season
178 on such game animals and game birds, whereby game
179 animals or game birds could be taken or killed; and
180 (27) Conduct or participate in a field trial, water race
181 or wild hunt hereafter referred to as trial: *Provided,*
182 *however,* That any person, group of persons, club or
183 organization may hold such trial at any time of the year
184 upon obtaining such permit as is provided for in section
185 fifty-six of this article. The person responsible for ob-
186 taining said permit shall prepare and keep an accurate
187 record of the names and addresses of all persons partici-
188 pating in said trial, and make same readily available for
189 inspection by any conservation officer upon request.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompos
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard M. See
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Coarn
President of the Senate

H. Laksa White
Speaker House of Delegates

The within approved this the 15
day of March, 1967.

Hubert C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3/13/67

Time 12:50 p.m.