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2014 MAR 28 P 5:48

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

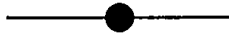
SECOND REGULAR SESSION, 2014



**ENROLLED**

**House Bill No. 4431**

(By Delegates Swartzmiller, Diserio, Poling, D.,  
Jones, Boggs, Lynch, Young, Phillips, R., Marcum,  
Manypenny and Ferro)



Passed March 7, 2014

In effect ninety days from passage.

HB 4431

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**E N R O L L E D**

**H. B. 4431**

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(BY DELEGATES SWARTZMILLER, DISERIO, POLING, D.,  
JONES, BOGGS, LYNCH, YOUNG, PHILLIPS, R., MARCUM,  
MANYPENNY AND FERRO)

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[Passed March 7, 2014; in effect ninety days from passage.]

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AN ACT to amend and reenact §20-2-37 of the Code of West Virginia, 1931, as amended, relating to clarifying that persons who possess firearms, hunting dogs or other indicia of hunting or taking wildlife in or near fields, woods or streams do not necessarily need to have a hunting license; and requiring the totality of the circumstances be considered before it can be concluded that a person has been hunting, fishing, trapping or taking wildlife.

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

That §20-2-37 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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ARTICLE 2. WILDLIFE RESOURCES.

AMOUNT  
STATE

**§20-2-37. Display of license, etc., by persons in possession of hunting, fishing, etc., paraphernalia.**

1 (a) Any person having in his or her possession in or near the  
2 fields or woods, or about the streams of this state, any wildlife,  
3 hunting dog or other hunting, fishing or trapping paraphernalia,  
4 implements or devices suitable for taking wildlife under  
5 circumstances indicating he or she has been hunting, trapping,  
6 fishing or otherwise taking wildlife, shall, upon demand of any  
7 officer authorized to enforce this chapter:

8 (1) State his or her correct name and address;

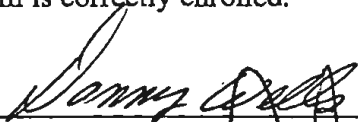
9 (2) Exhibit for inspection all license and documents or other  
10 lawful authorization for hunting, fishing, trapping or otherwise  
11 taking wildlife required to be carried pursuant to this chapter;  
12 and

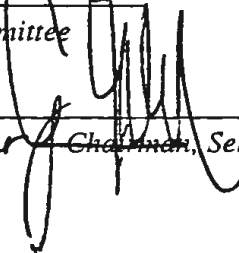
13 (3) Exhibit for inspection all such wildlife, paraphernalia,  
14 implements or devices which he or she has in his or her  
15 possession.

16 (b) Mere possession of a firearm does not, in and of itself,  
17 indicate that a person has been hunting, fishing, trapping or  
18 taking wildlife, but may be considered along with other evidence  
19 in a determination as to whether a person has been hunting,  
20 fishing, trapping or otherwise taking wildlife.

21 (c) Nothing in this section may be construed as authorizing  
22 searches that violate article three, section six of the West  
23 Virginia Constitution or the Fourth Amendment to the  
24 Constitution of the United States, nor may anything in this  
25 section be construed as effecting a waiver of these Constitutional  
26 provisions.

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

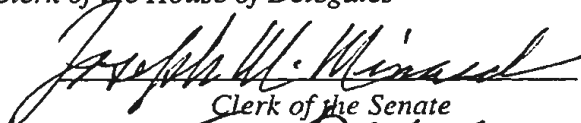
  
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Chairman, House Committee

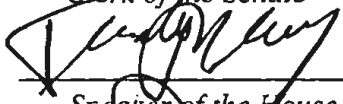
  
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Member / Chairman, Senate Committee

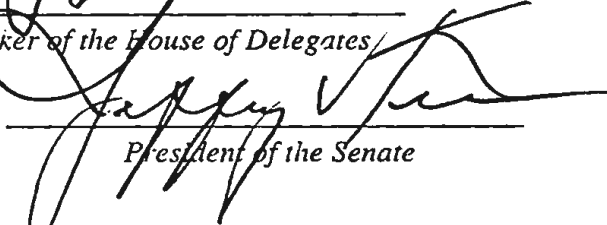
Originating in the House.

In effect ninety days from passage.

  
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Clerk of the House of Delegates

  
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Clerk of the Senate

  
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Speaker of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

The within is approved this the 28th  
day of March, 2014.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE GOVERNOR

1112020

Time 10:45am