WEST VIRGINIA CODE: §20-2-5A

§20-2-5a. Forfeiture by person causing injury or death of game or protected species of animal; additional replacement costs for antlered deer; forfeiture procedures and costs.

(a) Any person who is convicted of violating a criminal law of this state that results in the injury or death of game, as defined in §20-1-2 of this code, or a protected species of animal, in addition to any other penalty to which he or she is subject, shall forfeit the replacement cost of the game or protected species of animal to the state as follows:

(1) For each game fish or each fish of a protected species taken illegally other than by pollution kill, $20 for each pound and any fraction thereof: *Provided,* That for each native brook trout that exceeds the creel limit, $100 each for the first five illegally taken and $20 for each thereafter;

(2) For each bear, $1,000;

(3) For each deer, $500;

(4) For each wild turkey, $250;

(5) For each beaver, otter or mink, $100;

(6) For each muskrat, raccoon, skunk, or fox, $15;

(7) For each rabbit, squirrel, opossum, duck, quail, woodcock, grouse, or pheasant, $10;

(8) For each wild boar, $500;

(9) For each bald eagle, $5,000;

(10) For each golden eagle, $5,000;

(11) For each elk, $10,000;

(12) For each raven, hawk, or owl $200; and

(13) For any other game or protected species of animal, $100.

(b) In addition to the replacement value for deer in subdivision (3), subsection (a) of this section, the following replacement cost shall also be forfeited to the state by any person who is convicted of violating any criminal law of this state and the violation causes the injury or death of antlered deer:

WV Legislature

(1) For any deer in which the inside spread of the main beams of the antlers measured at the widest point equals 14 inches or greater but less than 16 inches, $2,500;

(2) For any deer in which the inside spread of the main beams of the antlers measured at the widest point equals 16 inches or greater but less than 18 inches, $5,000;

(3) For any deer in which the inside spread of the main beams of the antlers measured at the widest point equals 18 inches or greater but less than 20 inches, $7,500; and

(4) For any deer in which the inside spread of the main beams of the antlers measured at the widest point equals 20 inches or greater, $10,000.

(5) Any person convicted of a second or subsequent violation of any criminal law of this state which violation causes the injury or death of antlered deer is subject to double the authorized range of replacement cost to be forfeited.

(c) Upon conviction, the court shall order the person to forfeit to the state the amount set forth in this section for the injury or death of the game or protected species of animal. If two or more defendants are convicted for the same violation causing the injury or death of game or protected species of animal, the replacement costs shall be paid by each person in an equal amount. The replacement costs shall be paid by the person so convicted within the time prescribed by the court not to exceed 60 days. In each instance, the court shall pay the replacement costs to the Division of Natural Resources to be deposited into the License Fund-Wildlife Resources and used only for the replacement, habitat management or enforcement programs for injured or killed game or protected species of animal.

(d) Any person convicted of an offense described in subsection (a) of this section and subject to the replacement cost provisions of subsection (b) or subdivision (a)(11) of this section shall also be subject to a revocation of hunting and fishing license for a period of five years pursuant to §20-2-38 of this code and such person shall not be issued any other hunting license for a period of five years.

WV Legislature