WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 209

(By Mr. Bowling)

PASSED March 10, 1945

In Effect May 1, 1945 Passage
AN ACT to amend and reenact sections three and three-a, article four, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by amending and reenacting sections three and three-a, article four; and to add section three-b to said article four, relating to the deer of the state.

Be it enacted by the Legislature of West Virginia:

That sections three and three-a, article four, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section three-b be added to said article four, all to read as follows:
Article 4. Game and Fur-Bearing Animals.

Section 3. Hunting Deer; Report to Director; Tagging; Penalties.

(a) Dogs Chasing Deer.

(b) Permit to Kill Deer Causing Damage to Cultivated Crops, Fruit Trees or Commercial Nurseries; Penalties.

Section 3. Hunting Deer; Report to Director; Tagging;

Penalties.—No person shall hunt, capture or kill any deer in this state except in open season, or as provided under section three-b of this article. A licensed person may hunt, capture or kill a buck deer with one or both antlers branched, or an antlerless deer, but only during the open season fixed by the conservation commission for the counties or parts thereof. The provisions of this section shall not apply to a licensed owner of deer which are kept in a park or field sufficiently enclosed reasonably to prevent escape therefrom.

No person shall:

(1) Kill more than one deer in any one open season of the year;

(2) Hunt, pursue, shoot or kill any fawn, doe or deer other than a buck with one or both antlers branched except in such counties or parts thereof as may be declared
open to the taking of antlerless deer by the conservation commission, or as may be authorized under section three-b of this article. Antlerless deer seasons may be established by the conservation commission when deemed necessary due to over-populations of deer, extreme crop damages, unbalanced sex ratios, or other unusual conditions in various counties or parts thereof;

(3) Have in his possession the fresh skin or any other part of an illegally killed doe, fawn or buck deer;

(4) Chase or hunt deer with dogs;

(5) Kill a deer that is being chased by, or is fleeing from dogs;

(6) Catch, capture or kill any deer by means of poison baits; salt lick, natural or artificial; trap or snare; or devices of any kind;

(7) Hunt, pursue, catch or kill a deer between sunset on one day and sunrise of the next day;

(8) Kill or wound a deer while the deer is in a stream, lake or pond;

(9) Participate further in the hunt after he has killed
his legal limit of deer if he has firearms of any description in his possession.

(10) Hunt deer with a shotgun using ammunition loaded with more than one solid ball, or rifle using rim fire ammunition of less than twenty-five calibre.

A person who kills or wounds a deer by accident, such as by striking it with an automobile, or has knowledge that a deer is in distress for any reason whatever, shall promptly notify a game protector or other proper officer of the fact.

Any person who kills a legal deer during the open season shall, within twenty-four hours after the kill is made, securely attach, or have attached, to its head, an official tag furnished by the commission. No such deer shall be tagged unless the head is attached in a natural way to the carcass of said deer. The director shall furnish such official tags and shall distribute them to game protectors, county clerks, sheriffs, state police and other qualified officers. The tag shall specify the date and place of killing, the person by whom killed, the person, or persons, hunting with him at the time, and the length and branching of
horns or antlers. The person who killed the deer shall
mail a duplicate of the tag to the director within five days
after the deer is killed. The deer shall not be removed
from the county where killed until the tag is attached,
and is checked and countersigned by a game protector or
other duly authorized officer or agent of the director.

Any person who violates any of the provisions of this
section shall be guilty of a misdemeanor, and, upon con-
viction, shall be fined not less than one hundred nor more
than three hundred dollars, and confined in the county
jail not less than thirty days, nor more than ninety days:
Provided, however, That any person who kills a deer il-
legally during the open season therefor, and voluntarily
reports same to a game protector or other officer shall be
fined not less than fifty dollars nor more than one hundred
dollars.

Sec. 3-a. Dogs Chasing Deer.—No person shall permit
his dogs to hunt or chase deer.
A game protector, or other duly authorized officer, shall
take into possession any dog known to have hunted or
chased deer and shall advertise in a newspaper of gen-
eral circulation in the county, that he has the dog in his possession, giving a description of the dog and stating the circumstances under which it was taken. He shall hold the dog for a period of ten days, and shall report the facts in full to the director.

If, within ten days, the owner does not claim the dog, the game protector or other officer shall destroy it. In this event the cost of keep and advertising shall be paid by the director.

If, within ten days, the owner claims the dog, he may repossess it on the payment of the costs of advertising and the cost of keep, not exceeding fifty cents per day.

A game protector, or other duly authorized officer, after a bona fide but unsuccessful effort to capture dogs detected chasing or pursuing deer, may kill such dogs.

Sec. 3-b. Permit to Kill Deer Causing Damage to Cultivated Crops, Fruit Trees or Commercial Nurseries; Penalties.—Whenever it shall be found that deer are causing damage to cultivated crops, fruit trees or commercial nurseries, the owner or lessee of the lands on which such damage is done shall report such fact to the county con-
7 servation officer, heretofore called game protector, or to
8 the office of the conservation commission in the state cap-
9 itol. A representative of the conservation commission
10 shall then investigate the reported damage and if found
11 substantial shall issue a permit to the owner or lessee
12 to kill one or more adult deer by means of firearms only,
13 as hereinbefore specified in subsection ten of section three
14 of this article, when such deer are found in the act of in-
15 juring such cultivated crops, fruit trees or commercial
16 nurseries on his premises. No such permit may be issued
17 to owner or lessee when such lands are posted against
18 public hunting of deer.

19 The first deer killed under this permit may be retained
20 by the permittee for food. He shall, however, within forty-
21 eight hours after such kill, notify the county conservation
22 officer or the state director of conservation.

23 The permittee, upon killing any additional deer under
24 this permit, shall immediately dress the carcass by re-
25 moving the entrails and shall remove the deer killed to
26 his residence or other specified place of safekeeping. He
27 shall notify the county conservation officer within twenty-
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28 four hours after the kill, who shall pick up the carcass
29 and shall make proper disposition to a hospital, charitable
30 institution, school, or as otherwise designated by the
31 conservation commission.
32 Any person who violates any of the provisions of this
33 section shall be guilty of a misdemeanor, and, upon con-
34 viction, shall be fined not less than one hundred nor more
35 than three hundred dollars, and confined in the county
36 jail not less than thirty days, nor more than ninety days.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Charles C. Morris
Chairman Senate Committee

W. M. Davis
Chairman House Committee

Originated in the Senate.

Takes effect May 1, 1945

James M. Stagner
Clerk of the Senate

Phillip
Clerk of the House of Delegates

Arnold W. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within approved this the 16
day of March, 1945.

Henry Wisewell
Governor.

Filed in the office of the Secretary of State of West Virginia.