

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 209

(By Mr. Bowling)

PASSED March 10, 1945

In Effect May 1, 1945 Passage

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



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Senate Bill No. 209
(BY MR. BOWLING)

[Passed March 10, 1945; in effect May 1, 1945.]

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.

3-a Dogs Chasing Deer.

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

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

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

12 No person shall:

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

15 (2) Hunt, pursue, shoot or kill any fawn, doe or deer
16 other than a buck with one or both antlers branched ex-
17 cept in such counties or parts thereof as may be declared

18 open to the taking of antlerless deer by the conservation
19 commission, or as may be authorized under section
20 three-b of this article. Antlerless deer seasons may be
21 established by the conservation commission when deemed
22 necessary due to over-populations of deer, extreme crop
23 damages, unbalanced sex ratios, or other unusual condi-
24 tions in various counties or parts thereof;

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

27 (4) Chase or hunt deer with dogs;

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

30 (6) Catch, capture or kill any deer by means of poison
31 baits; salt lick, natural or artificial; trap or snare; or de-
32 vices of any kind;

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

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

37 (9) Participate further in the hunt after he has killed

38 his legal limit of deer if he has firearms of any description
39 in his possession.

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

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

48 Any person who kills a legal deer during the open sea-
49 son shall, within twenty-four hours after the kill is made,
50 securely attach, or have attached, to its head, an of-
51 ficial tag furnished by the commission. No such deer shall
52 be tagged unless the head is attached in a natural way to
53 the carcass of said deer. The director shall furnish such
54 official tags and shall distribute them to game protectors,
55 county clerks, sheriffs, state police and other qualified of-
56 ficers. The tag shall specify the date and place of killing,
57 the person by whom killed, the person, or persons, hunt-
58 ing with him at the time, and the length and branching of

59 horns or antlers. The person who killed the deer shall
60 mail a duplicate of the tag to the director within five days
61 after the deer is killed. The deer shall not be removed
62 from the county where killed until the tag is attached,
63 and is checked and countersigned by a game protector or
64 other duly authorized officer or agent of the director.

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

Sec. 3-a. *Dogs Chasing Deer.*—No person shall permit
2 his dogs to hunt or chase deer.

3 A game protector, or other duly authorized officer, shall
4 take into possession any dog known to have hunted or
5 chased deer and shall advertise in a newspaper of gen-

6 eral circulation in the county, that he has the dog in his
7 possession, giving a description of the dog and stating
8 the circumstances under which it was taken. He shall
9 hold the dog for a period of ten days, and shall report the
10 facts in full to the director.

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

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

18 A game protector, or other duly authorized officer, af-
19 ter a bona fide but unsuccessful effort to capture dogs
20 detected chasing or pursuing deer, may kill such dogs.

Sec. 3-b. *Permit to Kill Deer Causing Damage to Cul-*
2 *tivated Crops, Fruit Trees or Commercial Nurseries;*
3 *Penalties.*—Whenever it shall be found that deer are caus-
4 ing damage to cultivated crops, fruit trees or commercial
5 nurseries, the owner or lessee of the lands on which such
6 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-

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. R. Grueter Jr.

Chairman House Committee

Originated in the Senate

Takes effect May 1, 1945 passage

Harriet Huger

Clerk of the Senate

Ed Clipp

Clerk of the House of Delegates

Arnold W. Tickers

President of the Senate

John E. Amos

Speaker House of Delegates

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

Beasly Meadows
Governor.

Filed in the office of the Secretary of State
of West Virginia **MAR 19 1945**
Wm. S. O'BRIEN,
Secretary of State

