WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED

HOUSE BILL No. 644

(By Mr. Myles and Mr. Gordon.)

PASSED March 11, 1965

In Effect Passage

FILED IN THE OFFICE OF
JOSEPH F. BURDETT
SECRETARY OF STATE
FILING DATE 3-18-65
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 the taking of game animals.

*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.**

**Section 5. Unlawful Methods of Hunting and Fishing.**—Except as authorized by the director, it shall be unlawful at any time for any person to:
(1) Shoot at or to shoot any wild bird or animal unless it is plainly visible to him;
(2) Dig out, cut out, or smoke out, or in any manner take or attempt to take any live wild animal or wild bird out of its den or place of refuge, except as may be authorized by regulations promulgated by the director or by law;
(3) Make use of, or take advantage of, any artificial light in hunting for, or taking any wild animals or wild birds, except that artificial lights such as are ordinarily carried in the hand or on the person may be used for the purpose of taking raccoon, opossum or skunk; or to throw or cast the rays of a spotlight, headlight, or other artificial light, from any vehicle, on any animal or game bird, or attempt to do so, while having in his or their possession or under their control, or in any vehicle or conveyance in which they may be traveling, a cased or uncased firearm or other implement whereby any wild animal or wild bird could be killed, even though such animal be not shot at, injured or killed. The provision of this subdivision shall not apply if it shall be proven...
that the headlights of a motor vehicle while traveling on a highway in the usual way, cast a light upon such animal, on or adjacent to such highway, and there was no attempt or intent to locate such animal;

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

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

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

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

(8) Except as provided in section six of this article, carry an uncased or loaded gun in any of the woods of this state except during the open firearms hunting season
for game animals and nonmigratory game birds within
any county of the state, unless he has in his possession
a permit in writing issued to him by the director: Pro-
vided, however, That this section shall not prohibit hunt-
ing or taking of unprotected species of wild animals and
wild birds and migratory game birds, during the open
season, in the open fields, open water and open marshes
of the state;

(9) Except as provided in section six of this article,
carry an uncased or loaded gun after the hour of five
o'clock antemeridian on Sunday in any woods or on any
highway, railroad right of way, public road, field or
stream of this state, except at a regularly used rifle,
pistol, skeet, target or trap shooting ground or range
and nothing contained in section eighteen, article eight,
chapter sixty-one of the code shall prohibit the use of a
gun by a licensed hunter before the hour of five o'clock
antemeridian on Sunday;

(10) To have in his possession a loaded firearm or a
firearm from the magazine of which all shells and car-
tridges have not been removed, in or on any vehicle or
conveyance, or its attachments, within the state, except
as may otherwise be provided by law or regulation. Ex-
cept as hereinafter provided, between five o'clock post-
meridian of one day and seven o'clock antemeridian, 
eastern standard time of the day following, any unloaded 
firearm, being lawfully carried in accordance with the 
foregoing provisions, shall be so carried only when in a 
case or taken apart and securely wrapped. During the 
period from July first to September thirtieth, inclusive 
of each year, the foregoing requirements relative to car-
rying certain unloaded firearms shall be permissible only 
from eight-thirty o'clock postmeridian to five o'clock ante-
meridian, eastern standard time;

(11) Hunt, catch, take, kill, trap, injure or pursue with 
firearms or other implement by which wildlife may be 
taken after the hour of five o'clock antemeridian on Sun-
day any wild animals or wild birds: Provided, however, 
That traps previously and legally set may be tended after 
the hour of five o'clock antemeridian on Sunday, if the 
person so doing shall not have firearms or long bow of 
any description in his possession;
88 (12) Hunt with firearms or long bow while under the influence of intoxicating liquor;

89 (13) Possess a ferret;

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

91 (15) Have in his possession or about his premises, without the written permission of the director, any hunting or fishing paraphernalia which cannot be used lawfully in this state for hunting or fishing, and any conservation officer shall remove and destroy such hunting and fishing paraphernalia, whenever found in this state, and the person or persons claiming ownership shall have no recourse at law against such confiscation and destruction;

92 (16) Catch, take, kill, or attempt to catch, take or kill any fish at any time by any means other than by rod, line, and hooks with natural or artificial lures unless otherwise authorized by law or regulation issued by the director: Provided, however, That snaring of any species of suckers, carp, fallfish and creek chubs through the ice shall at all times be lawful;
(17) Employ or hire, or induce or persuade, by the use of money or other things of value, or by any means, any person to hunt, take, catch or kill, any wild animal or wild bird except those species on which there is no closed season, or to fish for, catch, take or kill any fish, amphibian or aquatic life which is protected by the provisions of this chapter or regulations of the director, or the sale of which is prohibited;

(18) Hunt, catch, take, kill, capture, pursue, transport, possess or use any migratory game or nongame birds included in the terms of conventions between the United States and Great Britain and between the United States and United Mexican States for the protection of migratory birds and game mammals concluded, respectively, August sixteen, one thousand nine hundred sixteen, and February seven, one thousand nine hundred thirty-six, except during the time and in the manner and numbers prescribed by the federal migratory bird treaty act and regulations made thereunder;

(19) Kill, take, catch, or have in his possession living or dead, any wild bird, other than a game bird; or expose
for sale, or transport within or without the state any such
bird, except as aforesaid. No part of the plumage, skin
or body of any protected bird shall be sold or had in
possession for sale, except mounted or stuffed plumage,
skin, bodies or heads of such birds legally taken and
stuffed or mounted, irrespective of whether such bird was
captured within or without this state, except the English
or European sparrow (passer domesticus), starling
(sturnus vulgaris), sharp-shinned hawk (accipiter stri-
atatus), cooper's hawk (accipiter cooperii), goshawk (acci-
piter gentilis), crow (corvus brachyrhynchos) and cow-
bird (molothrus ater), which shall not be protected and
the killing thereof at any time is lawful;
(20) Use dynamite or any like explosives or poisonous
mixture placed in any waters of the state for the purpose
of killing or taking fish. Any person violating the pro-
visions of this subdivision shall be guilty of a felony,
and, upon conviction thereof, shall be imprisoned for not
less than six months nor more than three years, and, in
the discretion of the court, may be fined not more than
five hundred dollars;
(21) Have both a bow and a gun in the fields or woods at the same time;

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

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

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

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

(26) Permit any dog owned by him or under his control to chase, pursue or follow upon the track of any game animal or game bird, either day or night, between the first day of May and the fifteenth day of August next following: Provided, however, That dogs may be trained
on game animals and game birds, except deer and wild
turkeys, and field trials may be held or conducted on
the grounds or lands of the owner or by his bona fide
tenant or tenants or upon the grounds or lands of another
person with his written permission or on public lands,
at any time: Provided further, That the person training
said dogs does not have firearms or other implements
in his possession during the closed season on such game
animals and game birds, whereby game animals or game
birds could be taken or killed; and
(27) Conduct or participate in a field trial, water race
or wild hunt hereafter referred to as trial: Provided,
however, That any person, group of persons, club or or-
ganization may hold such trial at any time of the year
upon obtaining such permit as is provided for in section
fifty-six of this article. The person responsible for ob-
taining said permit shall prepare and keep an accurate
record of the names and addresses of all persons partici-
pating in said trial, and make same readily available for
inspection by any conservation officer upon request.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Roy Parker
Chairman Senate Committee

James L. Low
Chairman House Committee

Originated in the House.

Takes effect from passage.

Theresa Bayes
Clerk of the Senate

Blankenship
Clerk of the House of Delegates

Howard F. Barrow
President of the Senate

J. Labor White
Speaker House of Delegates

The within approved this the 18th day of March, 1965.

Herbert C. Brain}
Governor