

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

ENROLLED

Judiciary Comm Sub for
SENATE BILL NO. 215

(By Mr. Gaines original sponsor)

PASSED March 12, 1965

In Effect ninety days from Passage

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-18-65

215

ENROLLED

JUDICIARY

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 215

(By Mr. GAINER original sponsor)

[Passed March 12, 1965; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers and duties of conservation officers.

Be it enacted by the Legislature of West Virginia:

That section four, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 4. Powers and Duties of Conservation Officers.

2 —Conservation officers and all other persons authorized
3 to enforce the provisions of this chapter shall be under

4 the supervision and direction of the director in the per-
5 formance of their duties as herein provided. The au-
6 thority, powers and duties of the conservation officers
7 shall be state-wide and they shall have authority to:

8 (1) Arrest on sight, without warrant or other court
9 process, any person or persons detected by them in the
10 violation of any of the provisions of this chapter, but no
11 such arrests shall be made where any form of adminis-
12 trative procedure is prescribed by this chapter for the
13 enforcement of any of the particular provisions contained
14 herein;

15 (2) Carry such arms and weapons as may be prescribed
16 by the director in the course and performance of their
17 duties, upon giving the bond required by the provisions of
18 section five, article seven, chapter sixty-one of this code,
19 but no license or other authorization shall be required of
20 such officers for this privilege;

21 (3) Search and examine, in the manner provided by
22 law, any boat, vehicle, automobile, conveyance, express or
23 railroad car, fish box, fish bucket or creel, game bag or
24 game coat, or any other place in which hunting and fishing

25 paraphernalia, wild animals, wild birds, fish, amphibians
26 or other forms of aquatic life could be concealed, packed
27 or conveyed whenever they have reason to believe that
28 they would thereby secure or discover evidence of the
29 violation of any provisions of this chapter;

30 (4) Execute and serve any search warrant, notice or
31 any process of law issued under the authority of this chap-
32 ter or any law relating to wildlife, forests, and all other
33 natural resources, by a justice of the peace or any court
34 having jurisdiction thereof, or copies or orders made and
35 entered by the chief of the division of water resources, or,
36 without fee, any subpoena or subpoena duces tecum issued
37 in accordance with the provisions of article five-a of this
38 chapter, in the same manner, with the same authority,
39 and with the same legal effect, as any constable or sheriff
40 can serve or execute such warrant, notice or process;

41 (5) Require the operator of any motor vehicle or other
42 conveyance, on or about the public highways or roadways,
43 or in or near the fields and streams of this state, to stop
44 for the purpose of allowing such officers to conduct game-
45 kill surveys;

46 (6) Summon aid in making arrests or seizures or in
47 executing any warrants, notices or processes, and they
48 shall have the same rights and powers as sheriffs have in
49 their respective counties in so doing;

50 (7) Enter private lands or waters within the state
51 while engaged in the performance of their official duties
52 hereunder: *Provided*, That in connection with all surveys,
53 examinations, inspections, inquiries, investigations and
54 studies needed in the gathering of facts concerning water
55 resources and their use or the pollution thereof under
56 article five or article five-a of this chapter, such conserva-
57 tion officers and all other persons authorized to enforce
58 the provisions of this chapter, shall act pursuant to and
59 under the direction of the chief of the division of water
60 resources or the state water resources board, and such
61 officers and other persons shall be subject to the provisions
62 of subparagraph (c) of section five, article five, and sub-
63 paragraph (d) of section three, article five-a of this
64 chapter;

65 (8) Arrest on sight, without warrant or other court
66 process, subject to the limitations set forth in subpara-

67 graph (1) of this section, any person or persons com-
68 mitting a criminal offense in violation of any law of this
69 state in the presence of any such officer on any state lands
70 and waters under lease by the department of natural re-
71 sources and all national forest lands, waters and parks
72 within the boundaries of the state of West Virginia, and,
73 in addition to any authority conferred in the other sub-
74 paragraphs of this section, execute all warrants of arrest
75 on such state and national lands, waters and parks, con-
76 sistent with the provisions of article one, chapter sixty-
77 two of this code; and
78 (9) Do all things necessary to carry into effect the pro-
79 visions of this chapter.

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

C. Ray Parker
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the Senate.

In *ninety days* *for* *Passage.*
Takes effect *ninety days for* Passage.

J. Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Harold W. Larson
President of the Senate

H. Laban White
Speaker House of Delegates

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

Harold C. Smith
Governor



Presented to Governor's Office

3/17/65

3:50 P.M.