WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED

Judiciary Committee for

SENATE BILL NO. 215

(By Mr. Gaines, original sponsor)

PASSED March 12, 1965

In Effect

Filed in the office of
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-18-65
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
the supervision and direction of the director in the performance of their duties as herein provided. The authority, powers and duties of the conservation officers shall be state-wide and they shall have authority to:

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

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

(3) Search and examine, in the manner provided by law, any boat, vehicle, automobile, conveyance, express or railroad car, fish box, fish bucket or creel, game bag or game coat, or any other place in which hunting and fishing
paraphernalia, wild animals, wild birds, fish, amphibians or other forms of aquatic life could be concealed, packed or conveyed whenever they have reason to believe that they would thereby secure or discover evidence of the violation of any provisions of this chapter;

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

(5) Require the operator of any motor vehicle or other conveyance, on or about the public highways or roadways, or in or near the fields and streams of this state, to stop for the purpose of allowing such officers to conduct game-kill surveys;
(6) Summon aid in making arrests or seizures or in executing any warrants, notices or processes, and they shall have the same rights and powers as sheriffs have in their respective counties in so doing;

(7) Enter private lands or waters within the state while engaged in the performance of their official duties hereunder: Provided, That in connection with all surveys, examinations, inspections, inquiries, investigations and studies needed in the gathering of facts concerning water resources and their use or the pollution thereof under article five or article five-a of this chapter, such conservation officers and all other persons authorized to enforce the provisions of this chapter, shall act pursuant to and under the direction of the chief of the division of water resources or the state water resources board, and such officers and other persons shall be subject to the provisions of subparagraph (c) of section five, article five, and subparagraph (d) of section three, article five-a of this chapter;

(8) Arrest on sight, without warrant or other court process, subject to the limitations set forth in subpara-
graph (1) of this section, any person or persons committing a criminal offense in violation of any law of this state in the presence of any such officer on any state lands and waters under lease by the department of natural resources and all national forest lands, waters and parks within the boundaries of the state of West Virginia, and, in addition to any authority conferred in the other subparagraphs of this section, execute all warrants of arrest on such state and national lands, waters and parks, consistent with the provisions of article one, chapter sixty-two of this code; and

(9) Do all things necessary to carry into effect the provisions of this chapter.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect Ninety days from Passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 18

day of March, 1965.

Governor
Presented to Governor's Office
3/17/65
3:50 P.M.