

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

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ENROLLED

SENATE BILL NO. 150

(By Mr. Guener and Mr. Fanning)

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PASSED March 6, ..... 1969

In Effect Twenty days after Passage

FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE

THIS DATE 3-17-69

#150

**ENROLLED**  
**Senate Bill No. 150**

(By MR. GAINER and MR. FANNING)

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[Passed March 6, 1969; in effect ninety days from passage.]

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AN ACT to amend and reenact section thirty-eight, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto two new sections, designated sections fifty-seven and fifty-eight, all relating to negligent and unlawful shooting and the authority of the director of the department of natural resources to refuse to issue or revoke licenses or permits.

*Be it enacted by the Legislature of West Virginia:*

That section thirty-eight, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said

article be further amended by adding thereto two new sections, designated sections fifty-seven and fifty-eight, all to read as follows:

**ARTICLE 2. GAME AND FISH.**

**§20-2-38. Refusal or revocation of license or permit.**

1 The director may, for cause, refuse a license or permit  
2 to any person or revoke a license or permit which had  
3 been granted.

4 In case the director desires to refuse a license to any  
5 person, he shall notify personnel authorized to issue  
6 licenses, in counties where it is expected such license  
7 may be sought, of the name and address of such person  
8 and such other information in relation thereto as he  
9 may desire to give, and such issuing authority shall not  
10 issue a license to such person thereafter, and shall report  
11 to the director any application made therefor. In case  
12 any issuing authority shall, after receiving such notice  
13 knowingly issue such license, he shall be guilty of a  
14 misdemeanor. The director may revoke any such license  
15 so wrongfully issued. The violation of any of the pro-  
16 visions of this chapter by any person holding a license

17 shall be sufficient cause for the director to refuse or  
18 revoke a license.

19 All licenses and permits authorized by this chapter  
20 to be granted shall be deemed to have been granted by  
21 the director, and the power and authority to revoke such  
22 licenses is vested in the director. Upon the revocation  
23 of any license, the one to whom the same was issued  
24 shall, upon having knowledge of such revocation, forth-  
25 with deliver the license and tag so issued to him to the  
26 director, his agent, or the clerk of any county court. A  
27 clerk shall transmit the same to the director.

28 The hunting license of any person convicted under  
29 section fifty-seven, article two, chapter twenty of the  
30 code of West Virginia, one thousand nine hundred thirty-  
31 one, as amended, shall be revoked, and such person shall  
32 not be issued any other hunting license for a period of  
33 five years: *Provided*, That any person heretofore or  
34 hereafter convicted of any offense under section eleven,  
35 article seven, chapter sixty-one, or under section fifty-  
36 seven, article two, chapter twenty, other than a negligent  
37 shooting which has resulted in the killing of a human

38 being, after the expiration of two years may petition  
39 the director for reinstatement of all hunting license  
40 privileges and if the director upon a hearing and full  
41 investigation finds that the applicant has paid and sat-  
42 isfied all claims against him, if any, and the circumstances  
43 at the time and the nature of the offense indicate that  
44 he is not likely again to commit a like or similar offense  
45 and that the public good does not require that the ap-  
46 plicant's hunting privileges remain revoked or suspended,  
47 the director may enter an order restoring full hunting  
48 privileges to the applicant.

**§20-2-57. Negligent shooting, wounding or killing of human  
being or livestock while hunting; penalty.**

1 It shall be unlawful for any person, while engaged in  
2 hunting or pursuing wild animals, wild birds or wild fowl,  
3 carelessly or negligently to shoot, wound or kill any hu-  
4 man being, or any livestock, or destroy or injure any other  
5 chattels or property.

6 Any person who, in the act of hunting, pursuing, taking  
7 or killing of wild animals or wild birds, in any manner  
8 injures any person or property shall file with the director

9 a full description of the accident or other casualty, in-  
10 cluding such information as the director may require.  
11 Such report must be filed during a period not to exceed  
12 seventy-two hours following such incident.

13 Any person violating this section shall be deemed  
14 guilty of a misdemeanor, and, upon conviction thereof,  
15 shall be fined not exceeding one thousand dollars, and, in  
16 the discretion of the court trying the case, may in addi-  
17 tion thereto be confined in the county jail for a period not  
18 exceeding one year.

**§20-2-58. Shooting across road or near building or crowd;  
penalty.**

1 It shall be unlawful for any person to shoot or discharge  
2 any firearms across or in any public road in this state, at  
3 any time, or within four hundred feet of any schoolhouse  
4 or church, or within five hundred feet of any dwelling  
5 house, or on or near any park or other place where per-  
6 sons gather for purposes of pleasure, and any person vio-  
7 lating this section shall be deemed guilty of a misde-  
8 meanor.

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

*William Tompaz*  
Chairman Senate Committee

*Clayton C Davidson*  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

*Harvard Myers*  
Clerk of the Senate

*C A Blankenship*  
Clerk of the House of Delegates

*Hugh B Jackson*  
President of the Senate

*Jose H. Boiesby*  
Speaker House of Delegates

The within *approved* this the *15<sup>th</sup>*  
day of *March*, 1969.

*Arch A. Shreve Jr.*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/12/69

Time 2:45 p.m.