WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 170

(By Mr. Jastorff and J. J.Fansmee)

PASSED March 6, 1969

In Effect

FILED IN THE OFFICE
JOHN D. ROOKER, IV
SECRETARY OF STATE
THIS DATE 3-17-69
ENROLLED

Senate Bill No. 150

(By MR. GAINER and MR. FANNING)

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

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 to any person or revoke a license or permit which had been granted.

4 In case the director desires to refuse a license to any person, he shall notify personnel authorized to issue licenses, in counties where it is expected such license may be sought, of the name and address of such person and such other information in relation thereto as he may desire to give, and such issuing authority shall not issue a license to such person thereafter, and shall report to the director any application made therefor. In case any issuing authority shall, after receiving such notice knowingly issue such license, he shall be guilty of a misdemeanor. The director may revoke any such license so wrongfully issued. The violation of any of the provisions of this chapter by any person holding a license
shall be sufficient cause for the director to refuse or
revoke a license.

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

The hunting license of any person convicted under
section fifty-seven, article two, chapter twenty of the
code of West Virginia, one thousand nine hundred thirty-
one, as amended, shall be revoked, and such person shall
not be issued any other hunting license for a period of
five years: Provided, That any person heretofore or
hereafter convicted of any offense under section eleven,
article seven, chapter sixty-one, or under section fifty-
seven, article two, chapter twenty, other than a negligent
shooting which has resulted in the killing of a human
being, after the expiration of two years may petition
the director for reinstatement of all hunting license
privileges and if the director upon a hearing and full
investigation finds that the applicant has paid and sat-
isfied all claims against him, if any, and the circumstances
at the time and the nature of the offense indicate that
he is not likely again to commit a like or similar offense
and that the public good does not require that the ap-
plicant's hunting privileges remain revoked or suspended,
the director may enter an order restoring full hunting
privileges to the applicant.

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

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

Any person who, in the act of hunting, pursuing, taking
or killing of wild animals or wild birds, in any manner
injures any person or property shall file with the director
a full description of the accident or other casualty, including such information as the director may require. Such report must be filed during a period not to exceed seventy-two hours following such incident.

Any person violating this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding one thousand dollars, and, in the discretion of the court trying the case, may in addition thereto be confined in the county jail for a period not exceeding one year.

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

It shall be unlawful for any person to shoot or discharge any firearms across or in any public road in this state, at any time, or within four hundred feet of any schoolhouse or church, or within five hundred feet of any dwelling house, or on or near any park or other place where persons gather for purposes of pleasure, and any person violating this section shall be deemed guilty of a misdemeanor.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 17th day of March, 1969.

[Signature]
Governor
PRESENTED TO THE
GOVERNOR

Date 3/12/69
Time 2:45 p.m.