WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED
SENATE BILL NO. 20

(By Mr. HUBBARD)

PASSED FEBRUARY 25, 1971

In Effect NINETEEN DAYS FROM Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-3-71
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 unlawful methods of hunting and fishing and deleting certain birds from the unprotected status.

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. WILDLIFE RESOURCES.

§20-2-5. Unlawful methods of hunting and fishing.

1 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) (a) Make use of, or take advantage of, any artificial light in hunting for, locating, taking, trapping, or killing any wild bird or wild animal; or (b) make use of, or take advantage of, any artificial light in hunting for, taking, attracting, trapping, or killing any wild bird or wild animal, or to attempt to do so, while having in his possession or subject to his control any firearm, whether cased or uncased, or other implement or device suitable for taking, killing, trapping, skinning, or dressing such wild bird or animal. Any person violating the provisions of division (b) of this subdivision three shall be guilty of a misdemeanor, and, upon conviction thereof, shall for each offense be fined not less than one hundred dollars nor more than five hundred dollars and shall be im-
prisoned for not less than ten days nor more than one
hundred days: Provided, That it shall not be unlawful
to hunt or take raccoon, opossum or skunk by the use of
artificial lights;

(4) Hunt for, take, kill, wound or shoot at wild animals
or wild birds from an airplane, or other airborne con-
veyance, 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 will-
fully 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: Provided, That this section shall not prohibit hunting 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 this code shall prohibit the use of a gun by a licensed hunter before the hour of five o'clock antemeridian on Sunday;

(10) Have in his possession a loaded firearm or a firearm from the magazine of which all shells and cartridges 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 carry-
ing 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, 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 descrip-
tion in his possession;
(12) Hunt with firearms or long bow while under the influence of intoxicating liquor;

(13) Possess a ferret;

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

(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;

(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, That snaring of any species of suckers, carp, fallfish and creek chubs 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), star-
ling (Sturnus vulgaris), crow (Corvus brachyrhynchos)
and cowbird (Molothrus ater), which shall not be pro-
tected and the killing thereof at any time is lawful;
(20) Use dynamite or any like explosive 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 fined not more than
five hundred dollars or imprisoned for not less than six
months nor more than three years, or both fined and
imprisoned;
(21) Have a bow and gun, or have a gun and any arrow
or arrows, 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 wild-
life;

(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;

(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, 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, however, 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;

(27) Conduct or participate in a field trial, water race or wild hunt hereafter referred to as trial: Provided, That any person, group of persons, club or organization 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 obtaining said permit shall prepare and keep an accurate record of the names and addresses of all persons participating in said trial, and make same readily available for inspection by any conservation officer upon request; and

(28) Except as provided in section four of this article, hunt, catch, take, kill or attempt to hunt, catch, take or kill any wild animal, wild bird or wild fowl except during the open season established by regulation of the director
as authorized by subdivision six, section seven, article one 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.

To take effect 90 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 5th day of March, 1971.

Governor