WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED
SENATE BILL NO. 235

(By Mr. GAINER)

PASSED MARCH 5, 1971

In Effect JULY 1, 1971

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-15-71
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 natural resources, and 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:

ARTICLE 7. LAW ENFORCEMENT, PROCEDURES AND PENALTIES; MOTORBOATING.

§20-7-4. Powers and duties of conservation officers.

1 Conservation officers and all other persons authorized

2 to enforce the provisions of this chapter shall be under
the supervision and direction of the director in the perfor-
4 mance of their duties as herein provided. The au-
5 thority, powers and duties of the conservation officers
6 shall be statewide and they shall have authority to:
7 (1) Arrest on sight, without warrant or other court
8 process, any person or persons committing a criminal
9 offense in violation of any of the laws of this state, in
10 the presence of such officer, but no such arrest shall be
11 made where any form of administrative procedure is pre-
12 scribed by this chapter for the enforcement of any of the
13 particular provisions contained herein;
14 (2) Carry such arms and weapons as may be pre-
15 scribed by the director in the course and performance of
16 their duties, upon giving the bond required by the pro-
17 visions of section five, article seven, chapter sixty-one
18 of this code, but no license or other authorization shall
19 be required of such officers for this privilege;
20 (3) Search and examine, in the manner provided by
21 law, any boat, vehicle, automobile, conveyance, express
22 or railroad car, fish box, fish bucket or creel, game bag
23 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 of 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 conserva-
tion 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 provi-
sions of subsection (c) of section five, article five, and
subsection (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 subdivision (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-owned lands and waters and lands and waters under lease by the department of natural resources and all national forest lands, waters and parks, and U. S. Corps of Army Engineers' properties within the boundaries of the state of West Virginia, and, in addition to any authority conferred in the other subdivisions of this section, execute all warrants of arrest on such state and national lands, waters and parks, and U. S. Corps of Army Engineers' properties, 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.

To take effect July 1, 1971.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 13th day of March, 1971.

Governor
PRESENTED TO THE GOVERNOR

Date  3/9/91
Time  1:45 p.m.

RECEIVED
Mar 15  10 03 AH '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA