

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

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ENROLLED

SENATE BILL NO. 235

(By Mr. GAINER,.....)

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PASSED MARCH 5,..... 1971

In Effect JULY 1, 1971..... Passage



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

235

**ENROLLED**

**Senate Bill No. 235**

(By MR. GAINER)

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[Passed March 5, 1971; in effect July 1, 1971.]

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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

3 the supervision and direction of the director in the per-  
4 formance 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

24 fishing paraphernalia, wild animals, wild birds, fish,  
25 amphibians or other forms of aquatic life could be con-  
26 cealed, packed or conveyed whenever they have reason  
27 to believe that they would thereby secure or discover  
28 evidence of the violation of any provisions of this chapter;

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

41 (5) Require the operator of any motor vehicle or other  
42 conveyance on or about the public highways or road-  
43 ways, or in or near the fields and streams of this state,

44 to stop for the purpose of allowing such officers to conduct  
45 game-kill surveys;

46 (6) Summon aid in making arrests or seizures or in  
47 executing any warrants, notices or processes, and they  
48 shall have the same rights and powers as sheriffs have in  
49 their respective counties in so doing;

50 (7) Enter private lands or waters within the state  
51 while engaged in the performance of their official duties  
52 hereunder: *Provided*, That in connection with all surveys,  
53 examinations, inspections, inquiries, investigations and  
54 studies needed in the gathering of facts concerning water  
55 resources and their use or the pollution thereof under  
56 article five or article five-a of this chapter, such conserva-  
57 tion officers and all other persons authorized to enforce  
58 the provisions of this chapter, shall act pursuant to and  
59 under the direction of the chief of the division of water  
60 resources or the state water resources board, and such  
61 officers and other persons shall be subject to the provi-  
62 sions of subsection (c) of section five, article five, and  
63 subsection (d) of section three, article five-a of this  
64 chapter;

65 (8) Arrest on sight, without warrant or other court  
66 process, subject to the limitations set forth in subdivision  
67 (1) of this section, any person or persons committing a  
68 criminal offense in violation of any law of this state in  
69 the presence of any such officer on any state-owned lands  
70 and waters and lands and waters under lease by the de-  
71 partment of natural resources and all national forest lands,  
72 waters and parks, and U. S. Corps of Army Engineers'  
73 properties within the boundaries of the state of West Vir-  
74 ginia, and, in addition to any authority conferred in the  
75 other subdivisions of this section, execute all warrants of  
76 arrest on such state and national lands, waters and parks,  
77 and U. S. Corps of Army Engineers' properties, consistent  
78 with the provisions of article one, chapter sixty-two of  
79 this code; and

80 (9) Do all things necessary to carry into effect the  
81 provisions of this chapter.

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

*James M. Beale*  
Chairman Senate Committee

*Phyllis R. Rutledge*  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1971.

*Howard Meyer*  
Clerk of the Senate

*V. G. Blankenship*  
Clerk of the House of Delegates

*Ethelbert*  
President of the Senate

*Ivor F. Bruisby*  
Speaker House of Delegates

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

*Arch A. Shouse, Jr.*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/9/71  
Time 1:45 p.m.

RECEIVED

MAR 15 10 08 AM '71

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA