

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

ENROLLED

SENATE BILL NO. 235

(By Mr. GRAINER,.....)

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)

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

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.

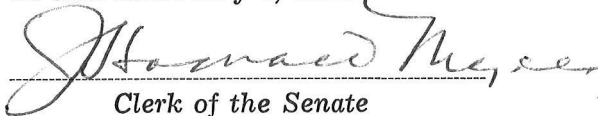
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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

RECEIVED

MAR 15 10 08 AM '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA