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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976



ENROLLED

Committee Substitute for

SENATE BILL NO. 230

(By Mr. *Gainer, original sponsor*)



PASSED March 12, 1976

In Effect ninty days from Passage

Handwritten signature/initials on the left margin

FILED IN THE OFFICE
JAMES R. McCARTNEY
SECRETARY OF STATE

THIS DATE 3/25/76

ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 230

(MR. GAINER, *original sponsor*)

[Passed March 12, 1976; in effect ninety days from passage.]

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AN ACT to amend article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section five-a, relating to requiring person convicted for violating any criminal law of the state resulting in injury, death or destruction of game or protected species of animal to forfeit the cost of the replacement thereof; setting forth replacement values for game and protected species of animals; and procedures for collecting, depositing and using such forfeitures.

Be it enacted by the Legislature of West Virginia:

That article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section five-a, to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-5a. Forfeiture by person causing injury, death or destruction of game or protected species of animal; replacement values thereof; forfeiture procedures.

1 Any person who is convicted of violating any criminal
2 law of this state and the violation causes or results in
3 the injury, death or destruction of game, as defined in
4 section two, article one of this chapter, or a protected

5 species of animal, in addition to any other penalty to
6 which he is subject, shall forfeit the cost of replacing
7 such game or protected species of animal to the state.
8 For such purpose, replacement values for game and
9 protected species of animals are as follows:

10 (1) For each game fish or each fish of a protected
11 species taken illegally other than by pollution kill, five
12 dollars for each pound and any fraction thereof;

13 (2) For each bear, elk or eagle, five hundred dollars;

14 (3) For each deer or raven, two hundred dollars;

15 (4) For each wild turkey, hawk or owl, one hundred
16 dollars;

17 (5) For each beaver, otter or mink, twenty-five dollars;

18 (6) For each muskrat, raccoon, skunk or fox, ten
19 dollars;

20 (7) For each rabbit, squirrel, opossum, duck, quail,
21 woodcock, grouse or pheasant, three dollars; and

22 (8) For any other game or protected species of
23 animal, five dollars each.

24 The court upon convicting such person shall order **him**
25 to forfeit to the state the proper amount based on the
26 values set forth herein for the game or protected
27 species of animal the injury, death or destruction of
28 which he caused or which resulted from his criminal act.
29 If two or more defendants are convicted for the same
30 violation causing, or resulting in, the injury, death or
31 destruction of game or protected species of animal, **the**
32 forfeiture shall be declared against them jointly and
33 equally. The forfeiture shall be paid by the person so
34 convicted and ordered to pay the forfeiture within the
35 time prescribed by the court, but not exceeding sixty
36 days. In each instance, the court shall pay such forfeiture
37 to the state treasury where it shall be credited to the
38 department of natural resources to be used only for the
39 replacement, habitat management, or enforcement pro-
40 grams for injured, killed or destroyed game or protected
41 species of animal.

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

James L. Davis
Chairman Senate Committee

Corwin C. Churchman
Chairman House Committee

Originated in the Senate.

In effect ninety days from pas^sage. ^{ok} _{geo}

J. C. Hillon Jr
Clerk of the Senate

V. A. Blankenship
Clerk of the House of Delegates

W. T. Brantley Jr
President of the Senate

Lewis F. McMane
Speaker House of Delegates

The within approved this the 24th
day of March, 1976

Archie A. Moore Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/18/76

Time 2:25 p.m.