

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-29-82

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

— ● —

ENROLLED

HOUSE BILL No. 1411

(By Mr. Balboys)

— ● —

Passed March 11, 1982

In Effect Ninety Days From Passage



ENROLLED

H. B. 1411

(By MR. BALLOUZ)

[Passed March 11, 1982; in effect ninety days from passage.]

AN ACT to amend and reenact section five-a, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to wildlife resources; and to replacement fees for wildlife and forfeiture procedures.

Be it enacted by the Legislature of West Virginia:

That section five-a, 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.

§20-2-5a. 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 law
2 of this state and the violation causes or results in the injury,
3 death or destruction of game, as defined in section two,
4 article one of this chapter, or a protected species of animal,
5 in addition to any other penalty to which he is subject, shall
6 forfeit the cost of replacing such game or protected species
7 of animal to the state. For such purpose, replacement values
8 for game and protected species of animals are as follows:

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

- 12 (2) For each bear, elk or eagle, five hundred dollars;
13 (3) For each deer or raven, two hundred dollars;
14 (4) For each wild turkey, hawk or owl, one hundred
15 dollars;
16 (5) For each beaver, otter or mink, twenty-five dollars;
17 (6) For each muskrat, raccoon, skunk or fox, fifteen dollars;
18 (7) For each rabbit, squirrel, opossum, duck, quail, wood-
19 cock, grouse or pheasant, ten dollars; and
20 (8) For each wild boar, two hundred dollars; and
21 (9) For any other game or protected species of animal,
22 ten dollars each.

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

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

[Handwritten Signature]
Chairman Senate Committee

[Handwritten Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Handwritten Signature]
Clerk of the Senate

[Handwritten Signature]
Clerk of the House of Delegates

[Handwritten Signature]
President of the Senate

[Handwritten Signature]
Speaker House of Delegates

The within is approved this the 29
day of March, 1982.

[Handwritten Signature]
Governor

RECEIVED

MAR 15 10 28 AM '82

OFFICE OF THE GOVERNOR

RECEIVED

82 MAR 30 P 3: 52

OFFICE
SECY. OF STATE