WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985

ENROLLED

HOUSE BILL No. 1995

(By Mr. Del. M. Harmon)

Passed April 9, 1985

In Effect From Passage
ENROLLED
H. B. 1995
(By Delegate M. Harman)

[Passed April 9, 1985; in effect from passage.]

AN ACT to amend and reenact section twenty-two-a, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to hunting, tagging and reporting bear; procedures applicable to property destruction by bear; penalties.

Be it enacted by the Legislature of West Virginia:

That section twenty-two-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.

§20-2-22a. Hunting, tagging and reporting bear; procedures applicable to property destruction by bear; penalties.

1 (a) No person in any county of this state shall hunt, capture, or kill any bear, or have in his possession any bear, or any part thereof, including fresh pelt, except during the hunting season for bear designated by rules and regulations to be promulgated by the department of natural resources and at no other time nor in any other way than as herein and therein provided. A person on killing a bear shall within twenty-four hours after killing, deliver the bear or fresh skin to a conservation officer or checking station for tagging. The bear shall have affixed thereto an appropriate tag provided by the department before any part of the bear may be transported more than seventy-five miles from the point of kill. Any bear
It shall be unlawful:

(1) To hunt bear without a bear damage stamp as prescribed in section forty-four-b of this article, in addition to a hunting license as prescribed in this article;

(2) To hunt a bear with (a) a shotgun using ammunition loaded with more than one solid ball, or (b) a rifle of less than twenty-five caliber using rimfire ammunition or (c) a crossbow;

(3) To kill or attempt to kill any bear through the use of poison, or explosives, or through the use of snares, steel traps or deadfalls other than as authorized herein;

(4) To shoot at or kill a cub bear weighing less than one hundred pounds or to kill any bear accompanied by such cub;

(5) To have in possession any part of a bear not tagged in accordance with the provisions of this section;

(6) To enter a state game refuge with firearms for the purpose of pursuing or killing a bear except under the direct supervision of department personnel;

(7) To hunt bear with dogs during seasons other than those designated for such purpose by the department of natural resources; after a bear is spotted and the chase has begun, to pursue the bear with other than the pack of dogs in use at the beginning of the hunt;

(8) To train bear hunting dogs on bear or to cause dogs to chase bear at times other than those designated by the department of natural resources for the hunting of bear;

(9) Notwithstanding the provisions of sections twenty-three and twenty-four of this article, for any person to organize for commercial purposes, or to professionally outfit a bear hunt or to give or receive any consideration whatsoever or any donation in money, goods or services in connection with a bear hunt;

(10) For any person, who is not a resident of this state, to hunt bear with dogs or to use dogs in any fashion for the
purpose of hunting bear in this state, except in legally
authorized hunts.

(b) The following shall apply to bear destroying property:

(1) Any property owner including a lessee, who has suffered
damage to real or personal property including loss occasioned
by the death of livestock or the injury thereto or the unborn
issue thereof, caused by an act of a bear may complain to any
conservation officer of the department of natural resources, for
the protection against such bear. Upon receipt of the
complaint, such officer shall immediately proceed to investi-
gate the circumstances giving rise to such complaint, and if
such officer is unable to personally investigate the complaint,
he shall designate a wildlife biologist to investigate on his
behalf and if the complaint is found to be justified, such officer
or designated person, may, together with the owner and other
residents, proceed to hunt and destroy or capture the bear
which is determined to have caused the property damage:
Provided, That only the conservation officer or the wildlife
biologist shall determine whether the bear shall be destroyed
or captured. Notwithstanding any provision of this article, if
it is determined that the complaint is justified, the officer or
designated person may summon or use dogs from within or
without this state to effectuate the hunting and destruction or
capture of such bear. Provided, however, That in the event
dogs from without this state are used in such hunt, the owners
thereof shall be the only nonresidents permitted to participate
in hunting such bear.

(2) When a property owner has suffered damage as the
result of an act by a bear, such owner shall file a report with
the director of the department of natural resources, stating
whether or not such bear was hunted and destroyed and if so,
the sex, weight and estimated age of subject bear, and also
submit to the department an appraisal of the property damage
occasioned by subject bear duly signed by three competent
appraisers, fixing the value of the property lost. Such report
shall be ruled upon and the alleged damages examined by a
commission to which it shall be referred by the department.
The commission shall be composed of the complaining
property owner, an officer of the department and a person to
be selected by the officer of the department and the
complaining property owner. The department shall by rules
and regulations to be promulgated, establish the procedures to be followed in presenting and deciding claims under this section and all such claims shall be paid in the first instance from the bear damage fund provided in section forty-four-b of this article, and in the event such fund is insufficient to pay all claims determined by the commission to be just and proper the remainder due to owners of lost or destroyed property shall be paid from the special revenue account of the department of natural resources.

(3) In all cases where the act of the bear complained of by the property owner is the killing of livestock, the value to be established is the fair market value of the livestock at the date of death, and in cases where livestock killed is pregnant, the total value shall be the sum of the values of the mother and the unborn issue, with the value of the unborn issue to be determined on the basis of the fair market value of the issue, had it been born. In no event shall the fair market value of the livestock exceed twice the assessed value of the livestock for personal property taxes.

c) Any person who kills a bear in violation of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two hundred dollars nor more than five hundred dollars, or imprisoned in the county jail not less than thirty nor more than one hundred days, or both fined and imprisoned.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within .................... this the 2nd
day of ................................., 1985.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/19/85
Time 7:04 p.m.