WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1992

--- • ---

ENROLLED

HOUSE BILL No. H251

(By Delegate Love)

--- • ---

Passed March 7, 1992

In Effect Ninety Days From Passage
ENROLLED

H. B. 4751
(By Delegate Love)

[Passed March 7, 1992; in effect ninety days from passage.]

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 powers and duties of conservation officers; authorizing conservation officers to arrest persons illegally cutting or damaging timber or plants; penalties.

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, MOTORBOATING, LITTER.

§20-7-4. Powers and duties of conservation officers.

Conservation officers and all other persons authorized to enforce the provisions of this chapter shall be under the supervision and direction of the director in the performance of their duties as herein provided. The authority, powers and duties of the conservation officers shall be statewide and they shall have authority to:

(1) Arrest on sight, without warrant or other court process, any person or persons committing a criminal offense in violation of any of the laws of this state, in the presence of such officer, but no such arrest shall be made where any form of administrative procedure is prescribed by this chapter for the enforcement of any of the particular provisions contained herein;

(2) Carry such arms and weapons as may be pres-
cried by the director in the course and performance of their duties, upon giving the bond required by the provisions of section five, article seven, chapter sixty-one of this code, but no license or other authorization shall be required of such officers for this privilege;

(3) Search and examine, in the manner provided by law, any boat, vehicle, automobile, conveyance, express or railroad car, fish box, fish bucket or creel, game bag or game coat, or any other place in which hunting and fishing paraphernalia, wild animals, wild birds, fish, amphibians or other forms of aquatic life could be concealed, packed or conveyed whenever they have reason to believe that they would thereby secure or discover evidence of the violation of any provisions of this chapter;

(4) Execute and serve any search warrant, notice or any process of law issued under the authority of this chapter or any law relating to wildlife, forests, and all other natural resources, by a magistrate or any court having jurisdiction thereof, or copies of orders made and entered by the chief of the division of water resources, or, without fee, any subpoena or subpoena duces tecum issued in accordance with the provisions of article five-a of this chapter, in the same manner, with the same authority, and with the same legal effect, as any constable or sheriff can serve or execute such warrant, notice or process;

(5) Require the operator of any motor vehicle or other conveyance on or about the public highways or roadways, or in or near the fields and streams of this state, to stop for the purpose of allowing such officers to conduct game-kill surveys;

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

(7) Enter private lands or waters within the state while engaged in the performance of their official duties hereunder: Provided, That in connection with all surveys, examinations, inspections, inquiries, investigations and studies needed in the gathering of facts concerning water resources and their use or the
pollution thereof under article five or article five-a of
this chapter, such conservation officers and all other
persons authorized to enforce the provisions of this
chapter, shall act pursuant to and under the direction
of the chief of the division of water resources or the state
water resources board, and such officers and other
persons shall be subject to the provisions of subsection
(c), section five, article five, and subsection (d), section
three, article five-a of this chapter;

(8) Arrest on sight, without warrant or other court
process, subject to the limitations set forth in subdivision
(1) of this section, any person or persons committing a
criminal offense in violation of any law of this state in
the presence of any such officer on any state-owned
lands and waters and lands and waters under lease by
the division of natural resources and all national forest
lands, waters and parks, and U.S. Corps of Army
Engineers' properties within the boundaries of the state
of West Virginia, and, in addition to any authority
conferred in the other subdivisions of this section,
execute all warrants of arrest on such state and national
lands, waters and parks, and U.S. Corps of Army
Engineers' properties, consistent with the provisions of
article one, chapter sixty-two of this code;

(9) Arrest any person who enters upon the land or
premises of another without written permission from
the owner of the land or premises in order to cut,
damage, or carry away, or cause to be cut, damaged, or
carried away any timber, trees, logs, posts, fruit, nuts,
growing plants, or products of any growing plant. Any
person convicted of the foregoing shall be liable to the
owner in the amount of three times the value of the
timber, trees, logs, posts, fruit, nuts, growing plants, or
products of any growing plant, which shall be in
addition to and notwithstanding any other penalties by
law provided by section thirteen, article three, chapter
sixty-one of this code; and

(10) Do all things necessary to carry into effect the
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

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 30th day of March, 1992.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/25/92
Time 12:00 p.m.