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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992



ENROLLED

HOUSE BILL No. 4751

(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.

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
4 performance of their duties as herein provided. The
5 authority, 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
12 prescribed by this chapter for the enforcement of any
13 of the particular provisions contained herein;

14 (2) Carry such arms and weapons as may be pres-

15 cribed by the director in the course and performance of
16 their duties, upon giving the bond required by the
17 provisions 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
26 concealed, packed or conveyed whenever they have
27 reason to believe that they would thereby secure or
28 discover evidence of the violation of any provisions of
29 this chapter;

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

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

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

51 (7) Enter private lands or waters within the state
52 while engaged in the performance of their official duties
53 hereunder: *Provided*, That in connection with all
54 surveys, examinations, inspections, inquiries, investiga-
55 tions and studies needed in the gathering of facts
56 concerning water resources and their use or the

57 pollution thereof under article five or article five-a of
58 this chapter, such conservation officers and all other
59 persons authorized to enforce the provisions of this
60 chapter, shall act pursuant to and under the direction
61 of the chief of the division of water resources or the state
62 water resources board, and such officers and other
63 persons shall be subject to the provisions of subsection
64 (c), section five, article five, and subsection (d), section
65 three, article five-a of this chapter;

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

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

94 (10) Do all things necessary to carry into effect the
95 provisions of this chapter.

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

Stover Luck

Chairman Senate Committee

Ernest C Moore

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Darrell Edwards

Clerk of the Senate

Donald L. Hopp

Clerk of the House of Delegates

Keith Burdette

President of the Senate

Robert C. Bell

Speaker of the House of Delegates

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

Yastin Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/92

Time 12:00 pm