FILED

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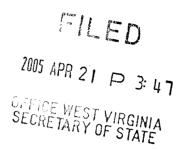
OFFICE WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

ENROLLED

PASSED April 8, 2005

In Effect ninety days from Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR.

Senate Bill No. 107

(SENATORS LOVE, DEMPSEY, LANHAM, BARNES AND YODER, original sponsors)

[Passed April 8, 2005; in effect ninety days from passage.]

AN ACT to amend and reenact §20-2-7 of the Code of West Virginia, 1931, as amended, relating to hunting with dogs; and providing that persons may not be guilty of hunting without permission, under certain circumstances, when the person's dog pursues an animal or wild bird onto another person's land without the person's direction or encouragement.

Be it enacted by the Legislature of West Virginia:

That §20-2-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-7. Hunting, trapping or fishing on lands of another; damages and compensation.

- 1 (a) It is unlawful for any person to shoot, hunt, fish or 2 trap upon the fenced, enclosed or posted lands of another 3 person; or to peel trees or timber, build fires or do any 4 other act in connection with shooting, hunting, fishing or 5 trapping on such lands without written permission in his 6 or her possession from the owner, tenant or agent of the 7 owner.
- 8 (b) Any person who hunts, traps or fishes on land 9 without the permission of the owner, tenant or agent of the 10 owner is guilty of a misdemeanor and liable to the owner or person suffering damage for all costs and damages for: 11 (1) Killing or injuring any domestic animal or fowl; (2) 12 13 cutting, destroying or damaging any bars, gates or fence or 14 any part of the property; or (3) leaving open any bars or 15 gates resulting in damage to the property.
- (c) The owner, tenant or agent of the owner may arrest a 16 person violating this section and immediately take him or 17 her before a magistrate. The owner, tenant or agent of the 18 owner is vested with the powers and rights of a conserva-19 tion officer for these purposes. The officers charged with 20 the enforcement of the provisions of this chapter shall 21 22 enforce the provisions of this section if requested to do so by the owner, tenant or agent of the owner, but not 23 otherwise. 24
- 25 (d) The provisions of subsections (b) and (c) of this 26 section related to criminal penalties and being subject to 27 arrest are inapplicable to a person whose dog, without the 28 person's direction or encouragement, travels onto the fenced, enclosed or posted land of another in pursuit of an 29 animal or wild bird: Provided, That the pursuit does not 30 31 result in the taking of game from the fenced, enclosed or 32posted land and does not result in the killing of domestic 33 animals or fowl or other damage to or on the fenced, enclosed or posted land. 34

3 [Enr. Com. Sub. for S. B. No. 107

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

Chairman Senate Committee Chairman House Committee Originated in the Senate. In effect ninety days from passage. Clerk of the Senate Clerk of the House of Delegates President of the Senate Speaker House of Delegates The within Day of ,, 2005. Governor



PRESENTED TO THE GOVERNOR

APR 1 5 2005

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