

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED

Committee Substitute for

SENATE BILL NO. 107

(By Senator Love, et al)

PASSED April 8, 2005

In Effect ninety days from Passage

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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
11 or person suffering damage for all costs and damages for:
12 (1) Killing or injuring any domestic animal or fowl; (2)
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.

16 (c) The owner, tenant or agent of the owner may arrest a
17 person violating this section and immediately take him or
18 her before a magistrate. The owner, tenant or agent of the
19 owner is vested with the powers and rights of a conserva-
20 tion officer for these purposes. The officers charged with
21 the enforcement of the provisions of this chapter shall
22 enforce the provisions of this section if requested to do so
23 by the owner, tenant or agent of the owner, but not
24 otherwise.

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
29 fenced, enclosed or posted land of another in pursuit of an
30 animal or wild bird: *Provided*, That the pursuit does not
31 result in the taking of game from the fenced, enclosed or
32 posted land and does not result in the killing of domestic
33 animals or fowl or other damage to or on the fenced,
34 enclosed or posted land.

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

Chandy White
.....
Chairman Senate Committee

U. Rich Brown
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell Gibbs
.....
Clerk of the Senate

Gregg M. Bay
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *21st*
Day of *April*, 2005.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 15 2005

Time 3:57