ENROLLED

Committee Substitute for

SENATE BILL NO. 107

(By Senator Love, et al.)

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.
(a) It is unlawful for any person to shoot, hunt, fish or trap upon the fenced, enclosed or posted lands of another person; or to peel trees or timber, build fires or do any other act in connection with shooting, hunting, fishing or trapping on such lands without written permission in his or her possession from the owner, tenant or agent of the owner.

(b) Any person who hunts, traps or fishes on land without the permission of the owner, tenant or agent of the owner is guilty of a misdemeanor and liable to the owner or person suffering damage for all costs and damages for: (1) Killing or injuring any domestic animal or fowl; (2) cutting, destroying or damaging any bars, gates or fence or any part of the property; or (3) leaving open any bars or gates resulting in damage to the property.

(c) The owner, tenant or agent of the owner may arrest a person violating this section and immediately take him or her before a magistrate. The owner, tenant or agent of the owner is vested with the powers and rights of a conservation officer for these purposes. The officers charged with the enforcement of the provisions of this chapter shall enforce the provisions of this section if requested to do so by the owner, tenant or agent of the owner, but not otherwise.

(d) The provisions of subsections (b) and (c) of this section related to criminal penalties and being subject to arrest are inapplicable to a person whose dog, without the person's direction or encouragement, travels onto the fenced, enclosed or posted land of another in pursuit of an animal or wild bird: Provided, That the pursuit does not result in the taking of game from the fenced, enclosed or posted land and does not result in the killing of domestic animals or fowl or other damage to or on the fenced, enclosed or posted land.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

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

Governor
PRESENTED TO THE
GOVERNOR

APR 15 2005

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