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HB 4453

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4453

(By Delegates Stemple, Poling, Varner and Pethel)



Passed March 10, 2006

In Effect Ninety Days from Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 4453

(BY DELEGATES STEMPLE, POLING, VARNER AND PETHTEL)

[Passed March 10, 2006; in effect from ninety days from passage.]

AN ACT to amend and reenact §20-7-4 of the Code of West Virginia, 1931, as amended, relating to law-enforcement powers and duties of conservation officers; providing for the state-wide authority of conservation officers to enforce litter control laws; providing for conservation officer's authority to initiate complaint for violations of laws related to wildlife, forests and natural resources; and relating to the procurement and execution of related arrest and search warrants.

Be it enacted by the Legislature of West Virginia:

That §20-7-4 of the Code of West Virginia, 1931, 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 (a) Conservation officers and other persons authorized to
2 enforce the provisions of this chapter are under the supervision
3 and direction of the director in the performance of their duties.

4 (b) Conservation officers have statewide jurisdiction and
5 have authority to:

6 (1) Arrest on sight, without warrant or other court process,
7 any person or persons committing a criminal offense in
8 violation of the laws of this state, in the presence of the officer,
9 but no arrest may be made where any form of administrative
10 procedure is prescribed by this chapter for the enforcement of
11 the provisions of this chapter;

12 (2) Carry such arms and weapons as may be prescribed by
13 the director in the course and performance of their duties, but
14 no license or other authorization shall be required for this
15 privilege;

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

25 (4) Execute and serve a search warrant, notice or other
26 process of law issued under the authority of this chapter or
27 other law relating to wildlife, forests, and all other natural
28 resources, by a magistrate or court having jurisdiction in the
29 same manner, with the same authority and with the same legal
30 effect as a sheriff;

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

36 (6) Summon aid in making arrests or seizures or in execut-
37 ing warrants, notices or processes, in the same manner as
38 sheriffs;

39 (7) Enter private lands or waters within the state while
40 engaged in the performance of their official duties;

41 (8) Arrest on sight, without warrant or other court process,
42 subject to the limitations set forth in subdivision (1) of this
43 section, any person or persons committing a criminal offense in
44 violation of any law of this state in the presence of the officer
45 on any state-owned lands and waters and lands and waters
46 under lease by the Division of Natural Resources and all
47 national forest lands, waters and parks and U.S. Corps of Army
48 Engineers' properties within the boundaries of the State of West
49 Virginia and, in addition to the authority conferred in other
50 subdivisions of this section, execute all arrest warrants on these
51 state and national lands, waters and parks and U.S. Corps of
52 Army Engineers' properties, consistent with the provisions of
53 article one, chapter sixty-two of this code;

54 (9) Arrest any person who enters upon the land or premises
55 of another without written permission from the owner of the
56 land or premises in order to cut, damage or carry away, or cause
57 to be cut, damaged or carried away, any timber, trees, logs,
58 posts, fruit, nuts, growing plants or products of any growing
59 plant. Any person convicted of cutting, damaging or carrying
60 away or causing to be cut, damaged or carried away any timber,
61 trees, logs, posts, fruits, nuts, growing plants or products of
62 growing plants is liable to the owner in the amount of three

63 times the value of the timber, trees, logs, posts, fruit, nuts,
64 growing plants or products of any growing plant, in addition to
65 and notwithstanding any other penalties by law provided by
66 section thirteen, article three, chapter sixty-one of this code;

67 (10) Make a complaint in writing before any court or
68 officer having jurisdiction, and procure and execute the warrant,
69 when the officer knows or has reason to believe that a person
70 has violated a law of this state. The actions of the conservation
71 officer have the same force and effect as if made by a sheriff;

72 (11) Serve and execute warrants for the arrest of any person
73 and warrants for the search of any premises, buildings, proper-
74 ties or conveyances issued by a properly constituted authority
75 in the same manner, with the same authority, and with the same
76 legal effect, as a sheriff; and

77 (12) Do all things necessary to carry into effect the provi-
78 sions of this chapter.

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



Chairman Senate Committee



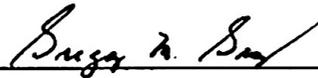
Chairman House Committee

Originating in the House.

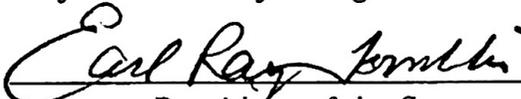
In effect ninety days from passage.



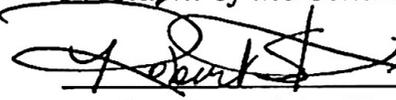
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 31st
day of March, 2006.



Governor

PRESENTED TO THE
GOVERNOR

MAR 22 2006

Time 3:55pm