

HB 2695

FILED

2009 MAY 11 PM 4:07

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2009



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2695

(By Delegate Brown)



Passed April 11, 2009

In Effect Ninety Days from Passage

E N R O L L E D

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COMMITTEE SUBSTITUTE

FOR

**OFFICE WEST VIRGINIA
SECRETARY OF STATE**

H. B. 2695

(BY DELEGATE BROWN)

[Passed April 11, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §20-2-57 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §20-2-57a and 20-2-57b, all relating to duties and conduct by a hunter while hunting and related offenses; amending crimes and penalties for negligent shooting of animals and damage to property by a hunter while hunting; amending crimes and penalties for negligent shooting of another person by a hunter while hunting; amending reporting requirements; requiring hunter responsible for shooting another person to render aid to the injured person; creating misdemeanor and felony offenses for failing to render aid to the injured person; prohibiting hunting while intoxicated; creating misdemeanor offense of hunting while intoxicated; creating misdemeanor and felony offenses for shooting and wounding or killing another person while hunting under the influence of alcohol, controlled substances or drugs; providing for the suspension of hunting and fishing license for violations; and criminal penalties.

Be it enacted by the Legislature of West Virginia:

That §20-2-57 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and to amend said code by adding thereto two new sections, designated §20-2-57a and §20-2-57b, all to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-57. Negligent shooting, wounding or killing of livestock while hunting; criminal violations; penalty.

1 (a) It is unlawful for any person, while engaged in
2 hunting, pursuing, taking or killing wild animals or wild
3 birds, to carelessly or negligently shoot, wound or kill
4 livestock, or to destroy or injure any other chattels or
5 property.

6 Any person violating this subsection is guilty of a
7 misdemeanor and, upon conviction thereof, shall be fined not
8 more than \$1,000, or confined in jail not more than ninety
9 days, or both fined and confined. Restitution of the value of
10 the livestock, chattel or property injured, damaged or
11 destroyed shall be required upon conviction.

§20-2-57a. Negligent shooting, wounding or killing of another person while hunting; duty to render aid; criminal violations; suspension of hunting and fishing license; criminal penalties; administrative penalties.

1 (a) It is unlawful for any person, while engaged in the act
2 of hunting, pursuing, taking or killing wild animals or wild
3 birds, to carelessly or negligently shoot, wound or kill
4 another person.

5 (b) Anyone who negligently shoots, wounds or injures
6 another person while hunting, not resulting in serious bodily
7 injury or death, is guilty of a misdemeanor, and upon
8 conviction thereof, shall be fined not more than \$1000 or
9 confined in jail not more than six months, or both fined and
10 confined.

11 (c) Anyone who negligently shoots and injures another
12 person while hunting, resulting in serious bodily injury or
13 death, is guilty of a misdemeanor, and upon conviction
14 thereof, shall be fined not more than \$2500 or confined in jail
15 for not more than one year, or both fined and confined.

16 (d) For purposes of this section, serious bodily injury
17 means bodily injury which creates a substantial risk of death,
18 which causes serious or prolonged disfigurement, prolonged
19 impairment of health or prolonged loss or impairment of the
20 function of any bodily organ.

21 (e)(1) Any person who, while hunting, discharges a
22 firearm or arrow and knows or has reason to know that the
23 discharge has caused bodily harm to another person shall:

24 (A) Immediately investigate the extent of the person's
25 injuries; and

26 (B) Render immediate reasonable assistance to the
27 injured person.

28 (2) As used in this subsection, "reasonable assistance"
29 means aid appropriate to the circumstances, including by not
30 limited to obtaining or attempting to obtain assistance from
31 a conservation or law enforcement officer, 911 dispatchers,
32 emergency medical providers and medical personnel.

33 (f) Any person who fails to render aid and assistance to
34 an injured person as required by subsection (e), to an injured

35 party who has not sustained a serious bodily injury is guilty
36 of a misdemeanor, and upon conviction thereof, shall be
37 fined not more than \$2,500 and confined in jail for not more
38 than one year, or both fined and confined.

39 (g) Any person who fails to render aid as required by
40 subsection (e) to an injured party who has sustained a serious
41 bodily injury or dies as a result of their injuries is guilty of a
42 felony, and upon conviction thereof, shall be fined not more
43 than \$5,000 or imprisoned in a correctional facility for not
44 less than one year nor more than five years, or both fined and
45 imprisoned.

46 (h) Any person found guilty of committing a
47 misdemeanor under this section shall have their hunting and
48 fishing licenses suspended for a period of five years from the
49 date of conviction or the date of release from confinement,
50 whichever is later.

51 (i) Any person found guilty of committing a felony
52 offense under this section shall have their hunting and fishing
53 licenses suspended for a period of ten years from the date of
54 conviction or the date of release from incarceration,
55 whichever is later.

**§20-2-57b. Prohibition against hunting while intoxicated;
offense of hunting while intoxicated, creating
offense of shooting another person when hunting
while intoxicated; creating misdemeanor and
felony offenses for the same; defining suspension
of hunting and fishing license; criminal penalties;
administrative penalties.**

1 (a) It is unlawful for any person to hunt, pursue, take or
2 kill wild animals or wild birds while the person:

3 (1) Is under the influence of alcohol; or

4 (2) Is under the influence of any controlled substance; or

5 (3) Is under the influence of any other drug; or

6 (4) Is under the combined influence of alcohol and any
7 controlled substance or any other drug; or

8 (5) Has an alcohol concentration in his or her blood of
9 eight hundredths of one percent or more by weight.

10 (b) Any person violating subsection (a) of this section is
11 guilty of a misdemeanor, and upon conviction thereof, shall
12 be fined not less than \$100 nor more than \$500, or confined
13 in jail for not less than 30 days nor more than 100 days, or
14 both fined and confined.

15 (c) It is unlawful for any person, while engaged in
16 hunting, pursuing, taking or killing wild animals or wild
17 birds, to carelessly or negligently shoot and wound another
18 person while the shooter:

19 (1) Is under the influence of alcohol; or

20 (2) Is under the influence of any controlled substance; or

21 (3) Is under the influence of any other drug; or

22 (4) Is under the combined influence of alcohol and any
23 controlled substance or any other drug; or

24 (5) Has an alcohol concentration in his or her blood of
25 eight hundredths of one percent or more, by weight.

26 (d) Any person violating subsection (c) of this section is
27 guilty of a misdemeanor, and upon conviction thereof, shall
28 be fined not less than \$500 nor more than \$1,500, or confined
29 in jail for not less than two months nor more than one year,
30 or both fined and confined.

31 (e) It is unlawful for any person, while engaged in
32 hunting, pursuing, taking or killing wild animals or wild
33 birds, to carelessly or negligently shoot and kill another
34 person while the shooter:

35 (2) Is under the influence of alcohol; or

36 (3) Is under the influence of any controlled substance; or

37 (4) Is under the influence of any other drug; or

38 (5) Is under the combined influence of alcohol and any
39 controlled substance or any other drug; or

40 (6) Has an alcohol concentration in his or her blood of
41 eight hundredths of one percent or more, by weight.

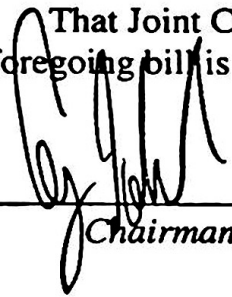
42 (f) Any person violating subsection (e) of this section is
43 guilty of a felony, and upon conviction thereof, shall be fined
44 not less than \$1,000 nor more than \$5,000, or imprisoned in
45 a state correctional facility for not less than one year nor
46 more than three years, or both fined and imprisoned.

47 (e) Any person found guilty of committing an offense
48 under this section shall have their hunting and fishing
49 licenses suspended for a period of five years from the date of
50 conviction or the date of release from incarceration,
51 whichever is later.

52 (f) Any person found guilty of committing a felony
53 offense under this section shall have their hunting and fishing
54 licenses suspended for a period of ten years from the date of
55 conviction or the date of release from incarceration,
56 whichever is later.

57 (g) Any person who shoots another person while
58 intoxicated in violation of this section has the same duty and
59 obligation to render aid to the injured person as is set forth in
60 section fifty-seven-a of this article, and is subject to the
61 additional penalties set forth therein as a separate and distinct
62 violation, in the event that he or she fails to render aid to the
63 injured person.

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



Chairman Senate Committee



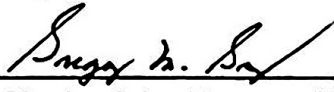
Chairman House Committee

Originating in the House.

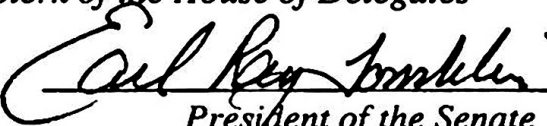
In effect ninety days from passage.



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 17th
day of May, 2009.



Governor

PRESENTED TO THE
GOVERNOR

MAY · 6 2009

Time 3:45 p