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
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.

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

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

(a) It is unlawful for any person, while engaged in the act of hunting, pursuing, taking or killing wild animals or wild birds, to carelessly or negligently shoot, wound or kill another person.
(b) Anyone who negligently shoots, wounds or injures another person while hunting, not resulting in serious bodily injury or death, is guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than $1000 or confined in jail not more than six months, or both fined and confined.

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

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

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

(A) Immediately investigate the extent of the person’s injuries; and

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

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

(f) Any person who fails to render aid and assistance to an injured person as required by subsection (e), to an injured
party who has not sustained a serious bodily injury is guilty
of a misdemeanor, and upon conviction thereof, shall be
fined not more than $2,500 and confined in jail for not more
than one year, or both fined and confined.

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

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

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

(a) It is unlawful for any person to hunt, pursue, take or
kill wild animals or wild birds while the person:
(1) Is under the influence of alcohol; or

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

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

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

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

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

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

(1) Is under the influence of alcohol; or

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

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

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

(5) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight.
(d) Any person violating subsection (c) of this section is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than $500 nor more than $1,500, or confined in jail for not less than two months nor more than one year, or both fined and confined.

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

(2) Is under the influence of alcohol; or

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

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

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

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

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

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

(g) Any person who shoots another person while intoxicated in violation of this section has the same duty and obligation to render aid to the injured person as is set forth in section fifty-seven-a of this article, and is subject to the additional penalties set forth therein as a separate and distinct violation, in the event that he or she fails to render aid to the 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 was approved this the 11th day of May, 2009.

Governor