

# VIRGINIA ACTS OF ASSEMBLY -- 2001 RECONVENED SESSION

## CHAPTER 856

*An Act to amend and reenact § 29.1-551 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 29.1-525.1, relating to construction of deer fences; penalty.*

[S 1339]

Approved April 5, 2001

**Be it enacted by the General Assembly of Virginia:**

**1. That § 29.1-551 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 29.1-525.1 as follows:**

*§ 29.1-525.1. Deer enclosures prohibited; exceptions.*

*A. It is unlawful to erect a fence that prevents or impedes the free egress of deer from the enclosed area with the intent to confine deer.*

*B. It is unlawful to hunt deer inside a fenced area that prevents or impedes the free egress of deer.*

*C. The provisions of subsection A shall not apply to:*

*1. Local, state or federal public lands on which fences are erected to protect public health or safety;*  
*2. Enclosures permitted by the Department as fallow deer farms or permitted exhibitors holding native deer for educational purposes;*

*3. Enclosures permitted by the U.S. Department of Agriculture as exhibitors, breeders, or dealers; or*

*4. Zoos accredited by the American Zoological Association.*

*D. The provisions of subsection B shall not apply to (i) local, state or federal public lands on which fences are erected to protect public health or safety, or (ii) any person hunting in an enclosure or facility that (a) was constructed prior to July 1, 2001, (b) has been registered with the Department not later than August 1, 2001, and annually thereafter, and (c) has been modified not later than ninety days following registration in a manner approved by the Director or his designee to allow the free egress of deer. Such registration shall not be transferable. The Department shall place information of the initial registration requirement in newspapers of general circulation throughout the Commonwealth. Such enclosures or facilities shall operate using acceptable hunting and wildlife management practices determined by the Director or his designee, including, but not limited to, methods of take, use of dogs, and supplemental feeding. The Director or his designee shall provide the owner of the enclosure or facility with information on what constitutes acceptable hunting and wildlife management practices.*

*E. Any registered enclosure or facility within which the owners or persons hunting have not followed acceptable hunting wildlife management practices shall have its registration revoked by the Department. Upon revocation of the registration, any person hunting within the enclosure or facility shall be subject to the provisions of subsection B and the penalties imposed under subsection F.*

*F. Any person who violates this section is guilty of a Class 1 misdemeanor. Any person who is convicted of violating this section shall have his hunting privileges suspended by the court for a period of not less than three or more than five years. In addition, the court may order compensation for replacement for any deer killed be paid to the Department as provided for in § 29.1-551, and may order the owner of the fence to modify the fence to allow the free egress by deer.*

*§ 29.1-551. Assessment of value of game or fish unlawfully taken.*

*The judge or court, upon convicting any person of a violation of §§ 29.1-523, 29.1-525.1, 29.1-530.2, 29.1-548, 29.1-550 or § 29.1-552 shall, in addition to imposition of the punishment prescribed in those sections, ascertain the approximate replacement value of animals, birds or fish taken in violation of those sections and shall assess the value against the person convicted. The assessment shall be paid by the person so convicted within the time prescribed in the judgment of the judge or court, not exceeding sixty days, and the collecting officer shall forward such payments to the Board for payment into the state treasury. The Comptroller shall credit such payments to the game protection fund.*