

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 29.1-521 of the Code of Virginia, relating to assisting others who are hunting.

[H 2304]

Approved

Be it enacted by the General Assembly of Virginia:**1. That § 29.1-521 of the Code of Virginia is amended and reenacted as follows:**

§ 29.1-521. Unlawful to hunt, trap, possess, sell or transport wild birds and wild animals except as permitted; penalty.

A. The following shall be unlawful:

1. To hunt or kill any wild bird or wild animal, including any nuisance species, with a gun, firearm or other weapon on Sunday, which is hereby declared a rest day for all species of wild bird and wild animal life, except raccoons, which may be hunted until 2:00 a.m. on Sunday mornings.

2. To destroy or molest the nest, eggs, dens or young of any wild bird or wild animal, except nuisance species, at any time without a permit as required by law.

3. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season. However, any *properly licensed person, or a person exempt from having to obtain a license*, who has obtained such daily bag or season limit while hunting ~~for turkeys, ducks, geese or swans~~ may assist others *who are* hunting such game by calling ~~turkeys, ducks, geese or swans game, retrieving game, handling dogs, or conducting drives~~ if the weapon in his possession is an unloaded firearm, a bow without a nocked arrow or ~~a~~ an unloaded crossbow ~~having an unloaded bolt~~. ~~A person who has obtained such season limit prior to commencement of the hunt may assist others hunting as previously described, provided he does not have a firearm, bow, or crossbow in his possession. Any properly licensed person, or person exempt from having to obtain a license, who has obtained such season limit prior to commencement of the hunt may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives, provided he does not have a firearm, bow or crossbow in his possession.~~

4. To occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing them. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

5. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.

6. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except as provided in § 29.1-521.3.

7. To set a trap of any kind on the lands or waters of another without attaching to the trap the name and address of the trapper.

8. To set a trap where it would be likely to injure persons, dogs, stock or fowl.

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs or fowl ~~which~~ *that* are caught and the date.

10. To hunt, trap, take, capture, kill, attempt to take, capture or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated. However, the provisions of this section shall not be construed to prohibit the (i) use or transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or selling turkey callers or (ii) the manufacture or sale of implements, including, but not limited to, tools or utensils, made from legally harvested deer skeletal parts, including antlers.

11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law. However, any nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code, which is (i) organized to provide wild game as food to the hungry and (ii) authorized by the Department to possess, transport and distribute donated or unclaimed meat to the hungry, may pay a processing fee in order to obtain such meat. Such fees shall not exceed the actual cost for processing the meat. A violation of this subdivision shall be punishable as provided in § 29.1-553.

B. A violation of subdivisions 1 through 10 of subsection A of this section shall be punishable as a

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57 Class 3 misdemeanor.