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HOUSE BILL NO. 901

Offered January 24, 2000

A BILL to amend and reenact §§ 18.2-132, 29.1-341, 29.1-344, 29.1-346, and 29.1-349 of the Code of Virginia, relating to hunting from duck blinds.

Patron—Diamonstein (By Request)

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-132, 29.1-341, 29.1-344, 29.1-346, and 29.1-349 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-132. Trespass by hunters and fishers.

A. Any person who goes on the lands, waters, ponds, boats or blinds of another to hunt, fish or trap without the consent of the landowner or his agent shall be deemed guilty of a Class 3 misdemeanor.

B. *The provisions of this section shall not apply to waterfowl hunters who retrieve downed waterfowl without having a firearm on their persons.*

§ 29.1-341. Stationary blinds.

Stationary blinds shall mean blinds erected either on the shores of the public waters or in the public waters at a fixed location the required distance from other blinds and shall include brush or stake blinds, or any other stationary blinds permitted by law. Clubs or individuals who do not own riparian rights shall be permitted to license no more than ~~two~~ *one* stationary ~~blinds~~ *blind* in the public waters in any one season. Stationary blinds shall be erected not later than November 1 of each year.

§ 29.1-344. Stationary blinds on shore and in the public waters for owners of riparian rights.

Each year, the owners of riparian rights, their lessees or permittees shall have the exclusive privilege of licensing and erecting blinds on their shoreline, and the prior right of licensing and erecting ~~blinds~~ *no more than one blind* in the public waters in front of their shoreline, to shoot waterfowl over the public waters. Such ~~blinds~~ *blind* shall not be located in water having a depth greater than eight feet at mean high tide, nor shall ~~they~~ *it* be located further than halfway across the body of water from the riparian owner's shoreline. When such a license has been obtained and a stake or a blind has been erected on the site with the license for that season properly affixed, no other stationary ~~or floating~~ blind shall be located in the public waters within 500 yards of the licensed site without the consent of the riparian owner, lessee or permittee. *No floating blind shall be located in the public waters within 500 yards of an occupied, licensed site, nor shall it be located in the public waters within 250 yards of a licensed site that is not occupied one-half hour before sunrise.* Riparian owners, their lessees or permittees may obtain licenses on and after July 1 and on or before August 31 of each year. A stake or a blind shall be erected on the site, and a license plate supplied with the license for that season shall be affixed thereto by August 31. If a stake has been erected on the site of a stationary blind, such stake must be replaced by a blind by November 1 pursuant to the provisions of § 29.1-341. Such blinds shall conform to the standards prescribed in subsection C of § 29.1-349.

§ 29.1-346. When license for floating blinds issued; distance from stationary blinds.

Licenses for floating blinds permitted by law, in the public waters, may be obtained on and after July 1. Floating blinds shall have a license plate supplied with the license for that season affixed to the blind. Floating blinds, including any accompanying boat or tender, shall anchor or tie out at least 500 yards from any *occupied*, licensed stationary blind for shooting, whether on the shore or in the water, unless agreed otherwise between the parties. *However, floating blinds, including any accompanying boat or tender, may anchor or tie out at least 250 yards from any licensed stationary blind that is not occupied one-half hour before sunrise.*

§ 29.1-349. Hunting, erecting blind within 500 yards of licensed blind.

A. No person shall hunt migratory waterfowl or shoot in the public waters of this Commonwealth from a boat, float, raft or other buoyant craft or device within 500 yards of any *occupied*, legally licensed erected stationary blind of another without the consent of the licensee *or within 250 yards of any legally licensed, erected stationary blind that is unoccupied one-half hour before sunrise*, except when in active pursuit of a visible crippled waterfowl which was legally shot by the person.

B. No person shall erect a stationary blind in the public waters within 500 yards of any other licensed blind without the consent of the licensee. Any person who violates this subsection shall be guilty of a trespass, and the affected blind licensee may maintain an action for damages. Furthermore, the trial court shall immediately revoke the blind owner's license for the stationary blind where the offense was committed. The blind owner may be eligible for a license in the following open season

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59 upon the same conditions that would apply to a new applicant. When a license for a stationary blind has
60 been revoked, the blind shall be destroyed by the former licensee or by the game warden.
61 C. An erected stationary blind within the meaning of this section shall be a blind of such size and
62 strength that it can be occupied by one or more hunters, or large enough to accommodate a boat or a
63 skiff, and intended for use therefor.