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HOUSE BILL NO. 2200

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on January 26, 2005)

(Patron Prior to Substitute—Delegate Abbitt)

A BILL to amend and reenact §§ 29.1-306 and 29.1-519 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 29.1-306.1, relating to the creation of a crossbow license.

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-306 and 29.1-519 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 29.1-306.1 as follows:

§ 29.1-306. Special archery license.

There shall be a license for hunting with a bow and arrow, *excluding crossbows*, during the special archery seasons, which ~~will~~ *shall* be in addition to the license required to hunt small game. The fee for the special license shall be ~~twelve dollars~~ \$12 for a resident and ~~twenty-five dollars~~ \$25 for a nonresident.

The special archery license may be obtained from the clerk or agent of any county or city whose duty it is to sell licenses.

§ 29.1-306.1. *Board to create special crossbow license.*

The Board may create a separate license for hunting with a crossbow. The fee for this special license shall not be greater than one and one-half times the cost of the basic hunting license required under § 29.1-303. The special crossbow license may be obtained from the clerk or agent of any county or city whose duty it is to sell licenses. In creating this separate license for hunting with a crossbow, the Board shall determine during which season the license is required.

§ 29.1-519. Guns, pistols, revolvers, etc., which may be used; penalty.

A. All wild birds and wild animals may be hunted with the following weapons unless shooting is expressly prohibited:

1. A shotgun or muzzleloading shotgun not larger than ~~ten~~ 10 gauge;

2. An automatic-loading or hand-operated repeating shotgun capable of holding not more than three shells the magazine of which has been cut off or plugged with a one-piece filler incapable of removal through the loading end, so as to reduce the capacity of the gun to not more than three shells at one time in the magazine and chamber combined;

3. A rifle, a muzzleloading rifle, or an air rifle;

4. A bow and arrow; ~~or~~

5. A crossbow, which is a type of bow and arrow, used by disabled individuals. Such individuals who meet criteria established by the Department and attested to by a licensed physician on a standardized form provided by the Department, which shall be in the individual's possession while hunting, shall be allowed to participate in hunting seasons under the same rules, regulations, laws, and conditions that apply to hunters using standard archery equipment; *or*

6. *A crossbow, which is a type of bow and arrow, in accordance with the provisions of § 29.1-306.1.*

B. A pistol, muzzle-loading pistol or revolver may be used to hunt nuisance species of birds and animals between sunrise and sunset except over inland waters, and raccoons during the legal hunting hours for said species.

C. In the counties west of the Blue Ridge Mountains, and counties east of the Blue Ridge where rifles of a caliber larger than .22 caliber may be used for hunting wild birds and animals, game birds and animals may be hunted with pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater and under the same restrictions and conditions as apply to rifles, provided that no cartridge shall be used with a bullet of less than .23 caliber. In no event shall pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater be used if rifles of a caliber larger than .22 caliber are not authorized for hunting purposes.

D. The use of muzzle-loading pistols and .22 caliber rimfire handguns is permitted for hunting small game where .22 caliber rifles are permitted.

E. The hunting of wild birds and wild animals with fully automatic firearms, defined as a machine gun in § 18.2-288, is prohibited.

F. The hunting of wild birds or wild animals with (i) weapons other than those authorized by this section or (ii) weapons that have been prohibited by this section shall be punishable as a Class 3 misdemeanor.

2. That the Board of Game and Inland Fisheries shall amend its regulations to comply with the provisions of this act.

3. That upon creation of the special license for hunting with a crossbow by the Board of Game

60 and Inland Fisheries pursuant to § 29.1-306.1 of this act, subdivision A 5 of § 29.1-519 shall no
61 longer be effective.