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SENATE BILL NO. 1150

Offered January 12, 2005

Prefiled January 12, 2005

A BILL to amend the Code of Virginia by adding in Article 2 of Chapter 5 of Title 29.1 a section numbered 29.1-530.3, relating to the reporting of hunting accidents; penalty.

Patron—Stolle

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 5 of Title 29.1 a section numbered 29.1-530.3 as follows:

§ 29.1-530.3. Duty of person involved in a hunting accident; reporting required; penalty.

A. It shall be the duty of any person engaged in hunting as defined in § 29.1-100 who is involved in a hunting accident, or other hunting-related casualty, to render to persons affected by the accident, or other casualty such assistance as may be practicable and as may be necessary in order to minimize any danger caused by the accident, or other casualty. Any person who complies with this subsection or who gratuitously and in good faith renders assistance at the scene of an accident, or other casualty without objection of any person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing medical treatment or other assistance where the assisting person acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances.

Any person who knowingly and willfully violates the provisions of this subsection is guilty of a Class 1 misdemeanor. However, if a person knowingly and willfully fails to comply with the provisions of this subsection when the hunting accident results in serious bodily injury to, or the death of, any person, he shall be guilty of a Class 6 felony.

B. When an accident or other casualty occurs in which a person (i) dies, (ii) is unable to perform normal or usual activities, (iii) requires medical attention beyond routine first aid, or (iv) a person disappears under circumstances that indicate probable death or injury, the person involved in the occurrence shall, without delay, by the quickest means available, notify the Department's office in Richmond, Virginia, or the most immediately available member of the Department's game warden force, or a law-enforcement officer of the Commonwealth, of the:

1. Date, time, and exact location of the accident or other casualty; and

2. Major details of the accident or other casualty, including the name of each person who died or was injured.

C. The person or persons involved in the accident or other casualty shall file with the Department a full report of the accident, or other hunting-related casualty. The report shall be filed within five working days of the date of the accident or casualty on a form provided by the Department. The report shall be without prejudice, shall be for the information of the Department only, and shall not be open to public inspection. The fact that such a report has been made shall be admissible in evidence solely to show compliance with this section and applicable regulations, but no such report nor any statement contained in the report shall be admissible as evidence for any other purpose in any trial.

D. Any person violating any provision of subsections B or C is guilty of a Class 4 misdemeanor.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

SB1150