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SENATE BILL NO. 1150

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 7, 2005)

(Patron Prior to Substitute—Senator Stolle)

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 hunting incidents; rendering assistance and reporting; penalty.

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. Duties of person involved in a hunting incident; rendering assistance, immunity and reporting; penalty.

A. It shall be the duty of any person engaged in hunting as defined in § 29.1-100 who severely injures himself or another and causes significant physical impairment or death, to render to persons affected by the incident such assistance as may be practicable and as may be necessary in order to minimize any danger caused by the incident. Any person who complies with this subsection or who gratuitously and in good faith renders assistance at the scene of the incident 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 incident results in severe injury to himself or another and causes significant physical impairment or death, he shall be guilty of a Class 6 felony.

B. Any person engaged in hunting as defined in § 29.1-100 who severely injures himself or another and causes significant physical impairment or death 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 incident that caused the injury or death; and

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

C. A full 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.