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**HOUSE BILL NO. 855**

Offered January 11, 2012

Prefiled January 11, 2012

*A BILL to amend and reenact § 29.1-100 of the Code of Virginia, relating to the inclusion of game animals in the definition of nuisance species.*

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 Patron—Yost

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 Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Be it enacted by the General Assembly of Virginia:****1. That § 29.1-100 of the Code of Virginia is amended and reenacted as follows:****§ 29.1-100. Definitions.**

As used in and for the purposes of this title only, or in any of the regulations of the Board, unless the context clearly requires a different meaning:

"Bag or creel limit" means the quantity of game, fish or fur-bearing animals that may be taken, caught, or possessed during a period fixed by the Board.

"Board" means the Board of Game and Inland Fisheries.

"Closed season" means that period of time fixed by the Board during which wild animals, birds or fish may not be taken, captured, killed, pursued, hunted, trapped or possessed.

"Conservation police officers" means supervising officers, and regular and special conservation police officers.

"Department" means the Department of Game and Inland Fisheries.

"Director" means the Director of the Department of Game and Inland Fisheries.

"Firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material.

"Fishing" means taking, capturing, killing, or attempting to take, capture or kill any fish in and upon the inland waters of this Commonwealth.

"Fur-bearing animals" includes beaver, bobcat, fox, mink, muskrat, opossum, otter, raccoon, skunk, and weasel.

"Game" means wild animals and wild birds that are commonly hunted for sport or food.

"Game animals" means deer, bear, rabbit, fox, squirrel, bobcat and raccoon.

"Game fish" means trout (including all Salmonidae), all of the sunfish family (including largemouth bass, smallmouth bass and spotted bass, rock bass, bream, bluegill and crappie), walleye or pike perch, white bass, chain pickerel or jackfish, muskellunge, and northern pike, wherever such fish are found in the waters of this Commonwealth and rockfish or striped bass where found above tidewaters or in streams which are blocked from access from tidewaters by dams.

"Hunting and trapping" includes the act of or the attempted act of taking, hunting, trapping, pursuing, chasing, shooting, snaring or netting birds or animals, and assisting any person who is hunting, trapping or attempting to do so regardless of whether birds or animals are actually taken; however, when hunting and trapping are allowed, reference is made to such acts as being conducted by lawful means and in a lawful manner. The Board of Game and Inland Fisheries may authorize by regulation the pursuing or chasing of wild birds or wild animals during any closed hunting season where persons have no intent to take such birds or animals.

"Lawful," "by law," or "law" means the statutes of this Commonwealth or regulations adopted by the Board which the Director is empowered to enforce.

"Migratory game birds" means doves, ducks, brant, geese, swan, coot, gallinules, sora and other rails, snipe, woodcock and other species of birds on which open hunting seasons are set by federal regulations.

"Muzzleloading pistol" means a firearm originally designed, made or intended to fire a projectile (bullet) from one or more barrels when held in one hand and that is loaded from the muzzle or forward end of the cylinder.

"Muzzleloading rifle" means a firearm firing a single projectile that is loaded along with the propellant from the muzzle of the gun.

"Muzzleloading shotgun" means a firearm with a smooth bore firing multiple projectiles that are loaded along with the propellant from the muzzle of the gun.

"Nonmigratory game birds" means grouse, bobwhite quail, turkey and all species of birds introduced into the Commonwealth by the Board.

"Nuisance species" means blackbirds, crows, cowbirds, grackles, English sparrows, starlings, or those

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59 species designated as such by regulations of the Board, and those species found committing or about to  
60 commit depredation upon ornamental or shade trees, agricultural crops, wildlife, livestock or other  
61 property or when concentrated in numbers and manners as to constitute a health hazard or other  
62 nuisance. However, the term nuisance does not include (i) animals designated as endangered or  
63 threatened pursuant to §§ 29.1-563, 29.1-564, and 29.1-566; (ii) ~~animals classified as game or~~  
64 ~~fur-bearing animals~~; and (iii) those species protected by state or federal law.

65 "Open season" means that period of time fixed by the Board during which wild animals, wild birds  
66 and fish may be taken, captured, killed, pursued, trapped or possessed.

67 "Pistol" means a weapon originally designed, made, and intended to fire a projectile (bullet) from  
68 one or more barrels when held in one hand, and having one or more chambers as an integral part of or  
69 permanently aligned with the bore and a short stock at an angle to and extending below the line of the  
70 bore that is designed to be gripped by one hand.

71 "Possession" means the exercise of control of any wild animal, wild bird, fish or fur-bearing animal,  
72 or any part of the carcass thereof.

73 "Properly licensed person" means a person who, while engaged in hunting, fishing or trapping, or in  
74 any other activity permitted under this title, in and upon the lands and inland waters of this  
75 Commonwealth, has upon his person all the licenses, permits and stamps required by law.

76 "Regulation" means a regulation duly adopted by the Board pursuant to the authority vested by the  
77 provisions of this title.

78 "Revolver" means a projectile weapon of the pistol type, having a breechloading chambered cylinder  
79 arranged so that the cocking of the hammer or movement of the trigger rotates it and brings the next  
80 cartridge in line with the barrel for firing.

81 "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the  
82 shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed  
83 metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

84 "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from  
85 the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a  
86 fixed shotgun shell to fire through a smooth bore or rifled shotgun barrel either a number of ball shot or  
87 a single projectile for each single pull of the trigger.

88 "Transportation" means the transportation, either upon the person or by any other means, of any wild  
89 animal or wild bird or fish.

90 "Wildlife" means all species of wild animals, wild birds and freshwater fish in the public waters of  
91 this Commonwealth.