

## 2012 SESSION

INTRODUCED

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### HOUSE BILL NO. 934

Offered January 11, 2012

Prefiled January 11, 2012

A *BILL to amend and reenact § 28.2-1200 of the Code of Virginia, relating to bottomlands conveyed by special grant; trespass; proof.*

Patron—Lingamfelter

Referred to Committee on Agriculture, Chesapeake and Natural Resources

#### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 28.2-1200 of the Code of Virginia is amended and reenacted as follows:**

§ 28.2-1200. Ungranted beds of bays, rivers, creeks and shores of the sea to remain in common.

A. All the beds of the bays, rivers, creeks and the shores of the sea within the jurisdiction of the Commonwealth, not conveyed by special grant or compact according to law, shall remain the property of the Commonwealth and may be used as a common by all the people of the Commonwealth for the purpose of fishing, fowling, hunting, and taking and catching oysters and other shellfish. No grant shall be issued by the Librarian of Virginia to pass any estate or interest of the Commonwealth in any natural oyster bed, rock, or shoal, whether or not it ebbs bare.

B. *In any private civil action for trespass upon the beds of the bays, rivers, creeks, and shores of the sea alleged to have been conveyed by special grant or compact, such beds shall be presumed to be owned by the Commonwealth and the plaintiff shall bear the burden to rebut this presumption and establish the plaintiff's ownership of such beds by a preponderance of the evidence.*

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