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SENATE BILL NO. 42

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on February 26, 2014)

(Patron Prior to Substitute—Senator Marsden)

A BILL to amend the Code of Virginia by adding a section numbered 29.1-525.2, relating to fox and coyote enclosures; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 29.1-525.2 as follows:

§ 29.1-525.2. Fox and coyote enclosures prohibited; penalty.

A. It is unlawful to erect, maintain, or operate an enclosure for the purpose of pursuing, hunting, or killing or attempting to pursue, hunt, or kill any fox or coyote with a dog. For purposes of this section, "enclosure" means a fence or other barrier that is used to prevent or impede the natural egress by any fox or coyote. A person who violates any provision of this subsection is guilty of a Class 1 misdemeanor. This subsection shall not be construed to limit the authority of the Department to enforce other available penalties.

B. This section shall not preclude the pursuing, hunting, or killing of any fox or coyote by a dog in the absence of an enclosure, or the killing of any fox or coyote by a landowner or tenant when the fox or coyote is damaging domestic stock or fowl on the owned or leased land.

C. Until July 1, 2054, the provisions of subsection A shall not apply to any location at which, as of January 1, 2014, a foxhound training preserve existed and was operating under a permit issued by the Department. The Department shall continue to issue or renew permits to existing locations in accordance with this section notwithstanding changes in the identity of the person or entity holding the permit.

D. The regulations governing foxhound training preserves in effect as of January 1, 2014 shall continue in full force and effect; provided, however, that the Department shall adopt regulations by October 1, 2014 to limit the total number of foxes stocked annually in all permitted preserves to 900. The Department shall specify a proportional number of foxes that may be stocked in each permitted preserve based upon the number of acres of the preserve as a percentage of the total acreage of permitted foxhound training preserves. If a preserve ceases to operate, its allocation of foxes from the previous year shall be deducted from the total number of foxes that may be stocked in foxhound training preserves in the Commonwealth.

E. The Department shall not deny a permit to an existing location solely due to recordkeeping failures or other technical violations of the regulations governing foxhound training preserves.

F. The Department shall deny a permit to an existing location if the location voluntarily ceases operation of its foxhound training preserve for a period of 12 consecutive months or longer.

G. Notwithstanding the provisions of § 2.2-4002, the denial of a permit to operate a foxhound training preserve by the Department shall constitute a case decision subject to the Administrative Process Act, § 2.2-4000 et seq. If a permittee or owner of a location subject to a permit files a notice of appeal with the Department, the Department shall continue to permit the location until any such appeals have been exhausted and the Department's determination upheld.

HOUSE SUBSTITUTE

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