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HOUSE BILL NO. 1298

AMENDMENT IN THE NATURE OF A SUBSTITUTE

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

(Patron Prior to Substitute—Delegate Morris)

House Amendments in [] — February 6, 2015

A BILL to amend and reenact § 29.1-745 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-10.3, relating to noncommercial vessels; reasonable suspicion.

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-745 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-10.3 as follows:

§ 19.2-10.3. Reasonable suspicion required to stop, board, or inspect a noncommercial vessel on navigable waters of the Commonwealth.

A. Notwithstanding any other provision of law, no law-enforcement officer charged with enforcing laws or regulations on the navigable waters of the Commonwealth shall stop, board, or inspect any noncommercial vessel on the navigable waters of the Commonwealth unless such officer has reasonable suspicion that a violation of law or regulation exists.

B. The provisions of subsection A shall not apply to lawful stops, boardings, or inspections conducted by conservation police officers, as defined in § 29.1-100, or the Virginia Marine Police for the purposes of inspecting hunting, fishing, and trapping licenses pursuant to §§ 28.2-231 and 29.1-337 or creel and bag limit inspections pursuant to § 29.1-209, nor shall it prohibit lawful boating safety checkpoints conducted by conservation police officers and Virginia Marine Police in accordance with established agency policy.

§ 29.1-745. Enforcement of chapter; vessels displaying Coast Guard inspection decal.

A. Every conservation police officer, ~~Marine Resources Commission inspector~~ officer of the Virginia Marine Police, and every other law-enforcement officer of the Commonwealth and its subdivisions shall have the authority to enforce the provisions of this chapter and shall have authority to stop, board, and inspect any vessel subject to this chapter after having identified himself in his official capacity. Except for enforcement of § 29.1-738 and the requirement of having the registration certificate on board, the provisions of this ~~section~~ subsection shall not apply to any vessel of ~~twenty-six~~ 26 feet or more in length on which is displayed a current valid United States Coast Guard or United States Coast Guard Auxiliary inspection decal.

B. Notwithstanding the provisions of subsection A, no conservation police officer, officer of the Virginia Marine Police, or other law-enforcement officer shall, without the consent of the owner, stop, board, or inspect any noncommercial vessel subject to this chapter unless such officer has reasonable suspicion that a violation of law or regulation exists, except that conservation police officers and officers of the Virginia Marine Police may conduct lawful stops or boardings to inspect hunting, fishing, and trapping licenses pursuant to §§ 28.2-231 and 29.1-337 or to inspect creel and bag limits pursuant to § 29.1-209 and may conduct lawful [~~boating safety checkpoints~~ stops, boarding, and inspections] in accordance with established agency policy.

ENGROSSED

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