

2016 SESSION

INTRODUCED

16100478D

SENATE BILL NO. 284

Offered January 13, 2016

Prefiled January 7, 2016

A *BILL to amend and reenact § 28.2-530 of the Code of Virginia, relating to the taking of oysters for personal use.*

Patron—Lewis

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-530 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-530. Taking oysters or loading on vessel on Sunday or at night; penalty.

A. It shall be unlawful for any person to take oysters, from either public or private grounds, on Sunday or between sunset and sunrise; nor shall any person load any vessel or boat for such purpose with any oysters from any of the waters of the Commonwealth on Sunday or between sunset and sunrise.

B. Shucking oysters taken from the public grounds other than from designated seed areas may be unloaded on shore at packinghouses or loaded on trucks or motor vehicles one-half hour after sunset and one-half hour before sunrise. Those oysters which have been inspected by an officer and purchased by the packer or planter, and the oysters owned by the packer or planter, may be unloaded at any time except Sunday within the discretion of the packer.

C. The provisions of subsection A of this section shall not apply to (i) the taking or catching, by hand during the prescribed hours of daylight on Sunday *during the legally prescribed public oyster harvest season on public oyster grounds open for harvest or unleased bottom open for harvest*, of not more than one bushel of oysters for personal use or (ii) the taking or catching of cultured oysters during the prescribed hours of daylight on Sunday. The presence, on board a boat or other vehicle being used during any Sunday harvesting, except as part of a *an* oyster aquaculture operation, of any gear normally associated with the harvesting of oysters other than by hand is prima facie evidence of a violation of the provisions of this section.

A violation of this section is a Class 3 misdemeanor.

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