

20104842D

SENATE BILL NO. 886

Offered January 8, 2020

Prefiled January 8, 2020

A *BILL to amend and reenact §§ 18.2-136 and 18.2-286 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 29.1-516.2, relating to hunting with dogs; retrieval and trespass; discharge of firearm on road; penalty.*

Patron—Marsden

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-136 and 18.2-286 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 29.1-516.2 as follows:

§ 18.2-136. Right of certain hunters to go on lands of another; carrying firearms or bows and arrows prohibited.

~~Fox hunters and coon hunters.~~ A. *A fox or raccoon hunter*, when the chase begins on other lands, may follow ~~their dogs~~ *his dog* on prohibited lands; ~~and hunters.~~

B. A hunter of ~~all other~~ any game *other than fox or raccoon*, when the chase begins on other lands, may go upon prohibited lands to retrieve ~~their dogs, falcons, hawks~~ *his dog, falcon, hawk, or owl* but ~~may~~ shall not carry ~~firearms~~ any firearm or ~~bows~~ bow and arrows on ~~their persons~~ *his person* or hunt any game while thereon. ~~The use of vehicles to retrieve dogs, falcons, hawks, or owls on prohibited lands shall be allowed only with the permission of the landowner or his agent. Any person who goes on prohibited lands to retrieve his dog pursuant to this subsection shall, by making a telephone call, obtain the permission of the owner or occupant of the property before entering such prohibited lands. Any person who goes on prohibited lands to retrieve his dogs, falcons, hawks, falcon, hawk, or owl pursuant to this section subsection and who willfully refuses to identify himself when requested by the landowner or his agent to do so is guilty of a Class 4 misdemeanor.~~

C. *No person shall use a vehicle to retrieve a dog, falcon, hawk, or owl on prohibited lands unless such use is with the permission of the landowner or his agent.*

§ 18.2-286. Shooting in or across road or in street.

~~If any~~ Any person who discharges a firearm, crossbow, slingbow, arrowgun, or bow and arrow in or across any road, ~~or~~ within the right-of-way thereof, *to either side thereof within 75 feet of the centerline of such road*, or in a street of any city or town, ~~he shall, for each offense, be is~~ guilty of a Class 4 misdemeanor *for each offense*.

The provisions of this section shall not apply to any firing ~~ranges~~ range or shooting ~~matches~~ match maintained, and supervised or approved, by law-enforcement officers ~~and~~ or military personnel in performance of their lawful duties.

§ 29.1-516.2. Hunting dogs; release location; trespass; penalty.

A. For purposes of this section, a dog shall be deemed to be running at large while it is roaming, running, or self-hunting off the property of its owner or custodian and not under the immediate control of its owner or custodian. Electronic tracking of a dog does not constitute immediate control.

B. No hunting dog shall be released on a public road or on either side of such road within 100 feet of the centerline of the road.

C. No owner or custodian of a dog shall, without permission, allow such dog to run at large onto the property of another for the purpose of hunting or chasing game after receiving appropriate notice by the landowner, his agent, or the lessee that hunting or chasing game with dogs without permission is forbidden on such property. Such appropriate notice shall be given in writing or by placing metal signs prohibiting dogs, of a size, wording, format, and placement approved by the Department, where the signs may reasonably be seen.

For purposes of this subsection, there shall be no more than one actionable occurrence per owner or custodian within any single 24-hour period, and no dog shall be restrained or otherwise detained by the landowner, lessee, or agent, except for the purpose of prompt identification.

D. Any person violating any provision of this section shall, in addition to any other available remedy, be subject to a civil penalty not to exceed \$100 for the first occurrence and \$250 per occurrence for a second or subsequent occurrence on such property. No penalty provided pursuant to this subsection shall apply to an owner or custodian who released his dogs on property that he owns or leases or on which he has written permission to hunt and that has an area, including contiguous separate parcels, of more than 500 acres.

INTRODUCED

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59 *E. Any penalty provided pursuant to this section shall be imposed by a court of competent*
60 *jurisdiction upon a finding by such court that the owner or custodian was in violation of this subsection*
61 *and following a summons issued for a violation of this subsection by any animal control officer,*
62 *conservation police officer, or other law-enforcement officer, or by the court pursuant to a civil action*
63 *initiated by the affected landowner or lessee. Any civil penalty assessed pursuant to this section shall be*
64 *paid into the treasury of the county or city where such civil action is brought and used for the purpose*
65 *of defraying the costs of local animal control.*