

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 113

An Act to amend and reenact §§ 29.1-523 and 29.1-525 of the Code of Virginia, relating to hunting deer with the aid of lights; penalty.

[H 164]

Approved March 28, 1994

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-523 and 29.1-525 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-523. Killing deer by use of certain lights; acts raising presumption of attempt to kill.

Any person who kills or attempts to kill any deer between a half hour after sunset and a half hour before sunrise by use of a light attached to any vehicle or a spotlight or flashlight shall be guilty of a Class 2 misdemeanor. The flashing of a light attached to any vehicle or a spotlight or flashlight from any vehicle between a half hour after sunset and half hour before sunrise by any person or persons, then in possession of a rifle, shotgun, pistol, crossbow, or bow and arrow or speargun, without good cause, shall raise a presumption of an attempt to kill deer in violation of this section. Every person in or on any such vehicle shall be deemed a principal in the second degree and subject to the same punishment as a principal in the first degree. Every person who, in any manner, aids, abets or acts in concert with any person or persons violating this section shall be deemed a principal in the second degree and subject to the same punishment as a principal in the first degree.

In addition to the penalty prescribed herein, the court shall revoke the current hunting license, if any, of the person convicted of violating this section and prohibit the issuance of any hunting license to that person for the next license year. *If found hunting during this prohibited period, the person shall be guilty of a Class 2 misdemeanor.* Notification of such revocation or prohibition shall be forwarded to the Department pursuant to subsections C and D of § 18.2-56.1.

This section shall not apply to persons duly authorized to kill deer according to the provisions of § 29.1-529.

§ 29.1-525. Employment of lights under certain circumstances upon places used by deer.

A. Any person in any vehicle and then in possession of any rifle, shotgun, pistol, crossbow, bow and arrow or speargun who employs a light attached to the vehicle or a spotlight or flashlight to cast a light beyond the water or surface of the roadway upon any place used by deer shall be guilty of a Class 2 misdemeanor. Every person in or on any such vehicle shall be deemed prima facie a principal in the second degree and subject to the same punishment as a principal in the first degree. This subsection shall not apply to a landowner in possession of a weapon when he is on his own land and is making a bona fide effort to protect his property from damage by deer and not for the purpose of killing deer unless the landowner is in possession of a permit to do so pursuant to the provisions of § 29.1-529.

B. Any person in any motor vehicle who deliberately employs a light attached to such vehicle or a spotlight or flashlight to cast a light beyond the surface of the roadway upon any place used by deer, except upon his own land or upon land on which he has an easement or permission for such purpose, shall be guilty of a Class 4 misdemeanor. Every person in or on any such vehicle shall be deemed prima facie a principal in the second degree and subject to the same punishment as a principal in the first degree.

C. In addition to the penalties prescribed in subsection A of this section, the court shall revoke the current hunting license, if any, of the person convicted of a violation of subsection A of this section and prohibit the issuance of any hunting license to that person for the next license year. In addition to the penalties prescribed in subsection B of this section, the court may revoke the current hunting license, if any, of the person convicted of a violation of subsection B of this section and prohibit the issuance of any hunting license to that person for the next license year. *If a person convicted of a violation of subsection A or subsection B of this section is found hunting during the prohibited period, the person shall be guilty of a Class 2 misdemeanor.* Notification of such revocation or prohibition shall be forwarded to the Department pursuant to subsections C and D of § 18.2-56.1.