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## SENATE BILL NO. 1040

Offered January 23, 1995

A *BILL to amend and reenact §§ 29.1-600.1, 29.1-601, 29.1-602, 29.1-603, 29.1-604, 29.1-606, 29.1-607 and 29.1-609 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 29.1-600.2 and 29.1-600.3, relating to the regulation of non-native mammal shooting enclosures.*

Patrons—Trumbo; Delegates: Deeds and Griffith

Referred to the Committee on Agriculture, Conservation and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 29.1-600.1, 29.1-601, 29.1-602, 29.1-603, 29.1-604, 29.1-606, 29.1-607 and 29.1-609 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 29.1-600.2 and 29.1-600.3 as follows:**

§ 29.1-600.1. Board to promulgate regulations.

The Board shall promulgate regulations necessary to carry out the provisions of this chapter, including, but not limited to, requirements for the licensing and operation of all shooting preserves, and non-native mammal shooting enclosures licensed under § 29.1-600.3, located within this Commonwealth. In promulgating such regulations the Board shall follow the procedure established in §§ 29.1-501 through 29.1-504. The Department may recover from the licensee actual costs incurred by the Department for investigating or disposing of shooting preserve animals or shooting enclosed non-native mammals that exhibit disease or are not properly confined in violation of Board regulations.

§ 29.1-600.2. Non-native or exotic mammals not to be considered game animals.

For purposes of this chapter, the terms "game" or "game animal" shall not include non-native or exotic mammals.

§ 29.1-600.3. Non-native mammals shooting enclosures; Board to regulate; application and license fees.

A. The Director shall issue licenses for commercial non-native mammal shooting enclosures that are open to the public, when such enclosures meet the requirements established by regulations, and after consultation with the Commissioner of Agriculture and Consumer Services. In no instance shall any non-native mammals other than goats of the genus *Capra*, sheep of the genera *Ammotragus* and *Ovis*, and hogs of the genus *Sus*, be held in such enclosures. The Board shall delineate the specific species of goats, sheep, and hogs that shall be allowed to be held in an enclosure. The importation, possession, and shooting of these non-native mammals shall be in accordance with state and federal laws.

B. In promulgating regulations, the Board shall establish criteria for the approval of an application to operate a non-native mammal shooting enclosure. Such criteria shall include, but not be limited to, consideration of the:

1. Threat to the health of humans, wildlife, and agricultural livestock;

2. Security of the facility; and

3. Impact on native and naturalized wildlife species and agricultural practices and livestock.

C. Such enclosures shall meet local zoning and land use requirements before a license shall be issued by the Director.

D. The person desiring to obtain a license to operate a non-native mammal shooting enclosure shall pay a one-time application fee of \$1,000. The revenue generated by the fee shall be used to defray the costs of reviewing the application.

E. Upon approval of the application, the operator of the enclosure shall pay an annual license fee of \$350. All such licenses shall expire on June 30 of each year. License fees collected shall be used by the Department to carry out its responsibilities to regulate the operation of non-native mammal shooting enclosures.

F. The provisions of § 29.1-600 shall not apply to facilities regulated under this section.

§ 29.1-601. Applicant to own or have land under lease; boundaries.

No shooting preserve or non-native mammal shooting enclosure license shall be granted unless the applicant owns or leases the areas for which the shooting preserve license is desired. Boundaries of the area licensed shall be clearly defined by posting as shall be prescribed by the Board.

§ 29.1-602. Applicant to develop land, release game or non-native mammals and comply with other provisions.

The applicant shall (i) develop the lands to be licensed as a shooting preserve or a non-native mammal shooting enclosure so as to meet such requirements as the Board may make, (ii) release game

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60 birds and animals *and non-native mammals* as may be designated by the Board, and (iii) comply with  
61 such other provisions as the Board deems advisable.

62 § 29.1-603. No taking of game or non-native mammals before compliance with requirements of  
63 Board.

64 Until the requirements specified by the Board have been fulfilled by the applicant to the satisfaction  
65 of the Board and certified to and accepted by the Board, it shall be unlawful to shoot, attempt to shoot,  
66 or to take any game *or non-native mammals* of the species licensed under this chapter on premises so  
67 licensed.

68 A violation of this section shall be punishable as a Class 3 misdemeanor.