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HOUSE BILL NO. 1806

Offered January 8, 1997

A BILL to amend and reenact § 19.2-81 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 5 of Title 29.1 a section numbered 29.1-509.1, relating to the duty of a person involved in a hunting accident; penalty.

Patron—Kilgore

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-81 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 5 of Title 29.1 a section numbered 29.1-509.1 as follows:

§ 19.2-81. (Effective July 1, 1997) Arrest without warrant authorized in certain cases.

The following officers shall have the powers of arrest as provided in this section:

1. Members of the State Police force of the Commonwealth,
2. Sheriffs of the various counties and cities, and their deputies,
3. Members of any county police force or any duly constituted police force of any city or town of the Commonwealth,

4. The Commissioner, members and employees of the Marine Resources Commission granted the power of arrest pursuant to § 28.2-900,

5. Regular game wardens appointed pursuant to § 29.1-200,

6. United States Coast Guard and United States Coast Guard Reserve commissioned, warrant, and petty officers authorized under § 29.1-205 to make arrests, and

7. The special policemen of the counties as provided by § 15.1-144, provided such officers are in uniform, or displaying a badge of office.

Such officers may arrest, without a warrant, any person who commits any crime in the presence of the officer and any person whom he has reasonable grounds or probable cause to suspect of having committed a felony not in his presence.

Any such officer may arrest without a warrant any person whom the officer has probable cause to suspect of operating a watercraft or motor boat (i) while intoxicated in violation of subsection B of § 29.1-738 or (ii) in violation of an order issued pursuant to § 29.1-738.4, in his presence, and may thereafter transfer custody of the person suspected of the violation to another officer, who may obtain a warrant based upon statements made to him by the arresting officer.

Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in § 29.1-712 or motorboat, *or any hunting accident as described in § 29.1-509.1*, or at any hospital or medical facility to which any person involved in such accident has been transported, or in the apprehension of any person charged with the theft of any motor vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained from eyewitnesses, that a crime has been committed by any person then and there present, apprehend such person without a warrant of arrest.

Such officers may arrest, without a warrant, persons duly charged with a crime in another jurisdiction upon receipt of a photocopy of a warrant, telegram, computer printout, facsimile printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably accurate description of such person wanted and the crime alleged.

Such officers may arrest, without a warrant, for an alleged misdemeanor not committed in his presence when the officer receives a radio message from his department or other law-enforcement agency within the Commonwealth that a warrant for such offense is on file.

Such officers may also arrest without a warrant for an alleged misdemeanor not committed in their presence involving (i) shoplifting in violation of § 18.2-96 or § 18.2-103 or a similar local ordinance, (ii) carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery or (iv) destruction of property in violation of § 18.2-137, when such property is located on premises used for business or commercial purposes, or a similar local ordinance, when any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged offense. The arresting officer may issue a summons to any person arrested under this section for a misdemeanor violation involving shoplifting.

§ 29.1-509.1. *Duty of persons involved in hunting accident.*

INTRODUCED

HB1806

60 A. Any person who discharges a firearm or bow and arrow while hunting or trapping any wild
61 animal or bird and thereby injures another person shall render reasonable assistance to the person
62 injured in the accident, including taking the person to a physician or hospital, if it is apparent that
63 medical treatment is necessary or is requested by the injured person. The person responsible for the
64 injury shall give his name and address in writing to the person injured. Any person who complies with
65 this subsection, or in good faith and without compensation renders assistance at the scene of an
66 accident without objection from the person being assisted, shall not be liable for any civil damages that
67 may result from the rendering of assistance or for any act or omission in providing or arranging
68 medical treatment or other assistance where the assisting person acts as an ordinary, reasonably
69 prudent person would have acted under the same or similar circumstances.

70 B. Any person who, while hunting or trapping any wild animal or bird, causes injury to any person,
71 damage to property of another or any other casualty due to the discharge of a firearm or bow and
72 arrow, shall immediately notify a game warden, sheriff, state police officer, or police officer of the
73 locality in which such incident occurred. Any law enforcement officer who receives the report shall
74 immediately report the incident to the Department.

75 C. Any person convicted of violating the provisions of subsections A or B shall, if the accident
76 results in injury to, or death of, any person, be guilty of a Class 6 felony.

77 Any person who is responsible for causing damage to the property of another and fails to
78 immediately report such damage, as required under subsection B, if convicted, shall be guilty of a Class
79 1 misdemeanor.

80 **2. That the provisions of this act may result in a net increase in periods of imprisonment in state**
81 **correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation**
82 **is \$62,500.**