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HOUSE BILL NO. 2720

House Amendments in [] — January 31, 1997

A BILL to amend and reenact §§ 29.1-401 and 29.1-521 of the Code of Virginia, relating to sale of furs [~~and other wildlife parts~~] .

Patrons—Morgan and Katzen; Senator: Norment

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-401 and 29.1-521 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-401. Exemptions as to fur permits.

A. A permit shall not be required of any hunter or trapper to possess or dispose of the hides, furs or pelts of wild animals legally shot or caught by him nor of any person lawfully engaging in the business of fur farming to possess or to dispose of the hides, furs or pelts of wild animals raised by him.

B. A permit shall not be required of [~~any Indian who is a state resident; however, such Indian must have on his person a tribal enrollment card for a bona fide tribe or a birth certificate which indicates that he is an Indian~~ any Virginia resident who is a member of an American Indian tribe recognized by the Commonwealth or a member of a federally recognized American Indian tribe to buy and possess the hides, furs or pelts of legally obtained wild animals, except bear as prohibited in § 29.1-536, when such items are to be used as part of traditional American Indian religious practices. Resale of items obtained under this section is prohibited] .

§ 29.1-521. Unlawful to hunt, trap, possess, sell or transport wild birds and wild animals except as permitted; exceptions; penalty.

A. The following shall be unlawful:

1. To hunt or kill any wild bird or wild animal, including any nuisance species, with a gun, firearm or other weapon on Sunday, which is hereby declared a rest day for all species of wild bird and wild animal life, except raccoons, which may be hunted until 2:00 a.m. on Sunday mornings.

2. To destroy or molest the nest, eggs, dens or young of any wild bird or wild animal, except nuisance species, at any time without a permit as required by law.

3. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season.

4. To occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing them. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

5. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.

6. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except as provided in § 29.1-521.3.

7. To set a trap of any kind on the lands or waters of another without attaching to the trap the name and address of the trapper.

8. To set a trap where it would be likely to injure persons, dogs, stock or fowl.

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs or fowl which are caught and the date.

10. To hunt, trap, take, capture, kill, attempt to take, capture or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated. However, the provisions of this section shall not be construed to prohibit the use or transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or selling turkey callers.

11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law. A violation of this subdivision shall be punishable as provided in § 29.1-553.

B. A violation of subdivisions 1 through 10 of subsection A of this section shall be punishable as a Class 3 misdemeanor.

[~~C. Notwithstanding any other provision of this article, any Indian may possess, offer for sale, sell, offer to purchase or purchase parts of wild birds and wild animals, including but not limited to antlers,~~

ENGROSSED

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60 *hooves, feathers, claws, and bones, provided that such Indian has on his person a tribal enrollment card*
61 *for a bona fide tribe or a birth certificate which indicates that he is an Indian.]*