

1997 SESSION

INTRODUCED

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SENATE BILL NO. 1064

Offered January 20, 1997

A BILL to amend and reenact § 29.1-553 of the Code of Virginia, relating to the handling of wildlife evidence.

Patrons—Stolle, Chichester, Hanger, Hawkins, Holland, Potts, Reasor, Trumbo and Williams; Delegates: Councill, Crouch, Landes, Parrish, Reid and Thomas

Referred to the Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-553 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-553. Selling or offering for sale; penalty.

A. Any person who offers for sale, sells, offers to purchase, or purchases any wild bird or wild animal, or any part thereof, or any freshwater fish, except as provided by law, shall be guilty of a Class 1 misdemeanor. However, when the aggregate of such sales or purchases or any combination thereof, by any person totals \$200 or more during any ninety-day period, that person shall be guilty of a Class 6 felony.

B. Whether or not criminal charges have been placed, when any property is taken possession of by a game warden for the purpose of being used as evidence of a violation of this section or for confiscation, the game warden making such seizure shall immediately report the seizure to the court having jurisdiction of the case.

C. In any prosecution for a violation of this section, photographs of the wild bird, wild animal, or any freshwater fish, or any part thereof shall be deemed competent evidence of such wild bird, wild animal, or freshwater fish, or part thereof and shall be admissible in any proceeding, hearing, or trial of the case to the same extent as if such wild bird, wild animal, or any freshwater fish, or part thereof had been introduced as evidence. Such photographs shall bear a written description of the wild bird, wild animal, or freshwater fish, or parts thereof, the name of the place where the alleged offense occurred, the date on which the alleged offense occurred, the name of the accused, the name of the arresting officer or investigating officer, the date of the photograph, and the name of the photographer. The photographs shall be identified by the signature of the photographer.

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