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HOUSE BILL NO. 1091

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Conservation and Natural Resources
on February 11, 1998)

(Patron Prior to Substitute—Delegate Katzen)

A BILL to amend and reenact §§ 29.1-306 and 29.1-519 of the Code of Virginia, relating to hunting with crossbows by disabled hunters.

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-306 and 29.1-519 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-306. Special archery license.

A. There shall be a license for hunting with a bow and arrow during the special archery seasons, which will be in addition to the license required to hunt small game. The fee for the special license shall be twelve dollars for a resident and twenty-five dollars for a nonresident.

The special archery license may be obtained from the clerk or agent of any county or city whose duty it is to sell licenses.

B. ~~The Board shall promulgate regulations which allow persons, whose physical disabilities prevent them from hunting with conventional archery equipment, to hunt with crossbows on their own property or on the private property of another with the written permission of the landowner. Disabled hunters seeking such permission shall advise the landowner of their intent to hunt with a crossbow during special archery seasons.~~

§ 29.1-519. Guns, pistols, revolvers, etc., which may be used; penalty.

A. All wild birds and wild animals may be hunted with the following weapons unless shooting is expressly prohibited:

1. A shotgun not larger than ten gauge;

2. An automatic-loading or hand-operated repeating shotgun capable of holding not more than three shells the magazine of which has been cut off or plugged with a one-piece filler incapable of removal through the loading end, so as to reduce the capacity of the gun to not more than three shells at one time in the magazine and chamber combined;

3. A rifle; ~~or~~

4. A bow and arrow; *or*

5. *A crossbow, which is a type of bow and arrow, used by disabled individuals. Such individuals who meet criteria established by the Department and attested to by a licensed physician on a standardized form provided by the Department, which shall be in the individual's possession while hunting, shall be allowed to participate in hunting seasons under the same rules, regulations, laws, and conditions that apply to hunters using standard archery equipment.*

B. A pistol, muzzle-loading pistol or revolver may be used to hunt nuisance species of birds and animals between sunrise and sunset except over inland waters, and raccoons during the legal hunting hours for said species.

C. In the counties west of the Blue Ridge Mountains, and counties east of the Blue Ridge where rifles of a caliber larger than .22 caliber may be used for hunting wild birds and animals, game birds and animals may be hunted with pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater and under the same restrictions and conditions as apply to rifles, provided that no cartridge shall be used with a bullet of less than .23 caliber. In no event shall pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater be used if rifles of a caliber larger than .22 caliber are not authorized for hunting purposes.

D. The use of muzzle-loading pistols and .22 caliber rimfire handguns is permitted for hunting small game where .22 caliber rifles are permitted.

E. The hunting of wild birds and wild animals with fully automatic firearms, defined as a machine gun in § 18.2-288, is prohibited.

F. The hunting of wild birds or wild animals with (i) weapons other than those authorized by this section or (ii) weapons that have been prohibited by this section shall be punishable as a Class 3 misdemeanor.