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HOUSE BILL NO. 486

Offered January 19, 1998

A *BILL to amend and reenact § 29.1-529 of the Code of Virginia, relating to the discretionary authority of the Director of the Department of Game and Inland Fisheries.*

Patrons—Phillips, Abbitt, Stump and Thomas

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That § 29.1-529 of the Code of Virginia is amended and reenacted as follows:**

§ 29.1-529. Killing of deer or bear damaging fruit trees, crops, livestock, or personal property or creating a hazard to aircraft or motor vehicles.

Whenever deer or bear are damaging fruit trees, crops, livestock or personal property in the Commonwealth, the owner or lessee of the lands on which such damage is done shall immediately report the damage to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer or bear are responsible for the damage, he shall authorize in writing the owner, lessee or any other person designated by the Director or his designee to kill such deer or bear when they are found upon the land upon which the damages occurred. *However, the Director shall have the option of authorizing the capture and relocation of such bear rather than authorizing the killing of the bear; and whenever deer cause damage on parcels of land of five acres or less, the Director shall have discretion as to whether to issue a written authorization to kill the deer.* The Director or his designee may limit such authorization by specifying in writing the number of animals to be killed and the period of time for which the authorization is effective. The Director or his designees issuing these authorizations shall specify in writing that only antlerless deer shall be killed, unless the Director or his designee determines that there is clear and convincing evidence that the damage was done by deer with antlers.

Whenever deer are creating a hazard to the operation of any aircraft or to the facilities connected with the operation of aircraft, the person or persons responsible for the safe operation of the aircraft or facilities shall report such fact to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer are creating a hazard, he shall authorize such person or persons, or their representatives, to kill the deer when they are found to be creating such a hazard.

Whenever deer are creating a hazard to the operation of a motor vehicle within the corporate limits of any city, the operator of a motor vehicle may report such fact to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer are creating a hazard within such city, he may authorize responsible persons, or their representatives, to kill the deer when they are found to be creating such a hazard. The carcass of every deer or bear so killed may be awarded to the owner or lessee by the Director or his designee, who shall give such person a certificate to that effect on forms furnished by the Department. Any person awarded a deer or bear under this section may use the carcass as if he had killed the animal during the hunting season for deer or bear.

The Director or his designee may revoke any authorization granted under this section when it has been shown by a preponderance of the evidence that an abuse of the authorization has occurred. *Any person convicted of violating any provision of this title shall not receive written authorization to kill deer or bear, and he may not carry out the authorized activity for a person who has received such written authorization.*

INTRODUCED

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