

980364176

HOUSE BILL NO. 92

Offered January 14, 1998

Prefiled January 13, 1998

A *BILL to amend and reenact §§ 29.1-100 and 29.1-506 of the Code of Virginia, relating to hunting and trapping.*

Patron—Cranwell

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-100 and 29.1-506 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-100. Definitions.

As used in this title, or in any of the regulations of the Board, unless the context clearly requires a different meaning:

"Bag or creel limit" means the quantity of game, fish or fur-bearing animals that may be taken, caught, or possessed during a period fixed by the Board.

"Board" means the Board of Game and Inland Fisheries.

"Closed season" means that period of time fixed by the Board during which wild animals, birds or fish may not be taken, captured, killed, pursued, hunted, trapped or possessed.

"Department" means the Department of Game and Inland Fisheries.

"Director" means the Director of the Department of Game and Inland Fisheries.

"Fishing" means taking, capturing, killing, or attempting to take, capture or kill any fish in and upon the inland waters of this Commonwealth.

"Fur-bearing animals" includes beaver, bobcat, fox, mink, muskrat, opossum, otter, raccoon, skunk, and weasel.

"Game" means wild animals and wild birds that are commonly hunted for sport or food.

"Game animals" means deer, bear, rabbit, fox, squirrel, bobcat and raccoon.

"Game fish" means trout (including all Salmonidae), all of the sunfish family (including largemouth bass, smallmouth bass and spotted bass, rock bass, bream, bluegill and crappie), walleye or pike perch, white bass, chain pickerel or jackfish, muskellunge, and northern pike, wherever such fish are found in the waters of this Commonwealth and rockfish or striped bass where found above tidewaters or in streams which are blocked from access from tidewaters by dams.

"Game warden" means supervising wardens, and regular and special game wardens.

~~"Hunting and trapping" includes the act of or the attempted act of taking, hunting, trapping, pursuing, chasing, shooting, snaring or netting birds or animals, and assisting any person who is hunting, trapping or attempting to do so regardless of whether birds or animals are actually taken; however, when hunting and trapping are allowed, reference is made to such acts as being conducted by lawful means and in a lawful manner. The Board of Game and Inland Fisheries may authorize by regulation the pursuing or chasing of wild birds or wild animals during any closed hunting season where persons have no intent to take such birds or animals.~~

"Hunting" means pursuing an animal or bird for the purpose of killing or catching the animal or bird, or taking part in the chase of an animal or bird for sport or exercise.

"Lawful," "by law," or "law" means the statutes of this Commonwealth or regulations adopted by the Board which the Director is empowered to enforce.

"Migratory game birds" means doves, ducks, brant, geese, swan, coot, gallinules, sora and other rails, snipe, woodcock and other species of birds on which open hunting seasons are set by federal regulations.

"Nonmigratory game birds" means grouse, bobwhite quail, turkey and all species of birds introduced into the Commonwealth by the Board.

"Nuisance species" means blackbirds, crows, cowbirds, grackles, English sparrows, starlings, or those species designated as such by regulations of the Board, and those species found committing or about to commit depredation upon ornamental or shade trees, agricultural crops, wildlife, livestock or other property or when concentrated in numbers and manners as to constitute a health hazard or other nuisance. However, the term nuisance does not include (i) animals designated as endangered or threatened pursuant to §§ 29.1-563, 29.1-564, and 29.1-566, (ii) animals classified as game or furbearing animals, and (iii) those species protected by state or federal law.

"Open season" means that period of time fixed by the Board during which wild animals, wild birds and fish may be taken, captured, killed, pursued, trapped or possessed.

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60 "Possession" means the exercise of control of any wild animal, wild bird, fish or fur-bearing animal,
61 or any part of the carcass thereof.

62 "Properly licensed person" means a person who, while engaged in hunting, fishing or trapping, or in
63 any other activity permitted under this title, in and upon the lands and inland waters of this
64 Commonwealth, has upon his person all the licenses, permits and stamps required by law.

65 "Regulation" means a regulation duly adopted by the Board pursuant to the authority vested by the
66 provisions of this title.

67 "Transportation" means the transportation, either upon the person or by any other means, of any wild
68 animal or wild bird or fish.

69 "*Trapping*" means using or setting a device designed to catch and hold animals or birds.

70 "Wildlife" means all species of wild animals, wild birds and freshwater fish in the public waters of
71 this Commonwealth.

72 § 29.1-506. Prescribing seasons and bag limits for taking fish and game.

73 After careful study of each species of wild bird, animal and fish within the jurisdiction of the Board
74 in cities and counties of the Commonwealth, the Board shall have the power to prescribe the seasons
75 and bag limits for hunting, fishing, trapping or otherwise taking such wild birds, animals and fish by
76 regulation adopted as provided in this article. *The Board may authorize by regulation the pursuing or*
77 *chasing of wild birds or wild animals during any closed hunting season where persons have no intent to*
78 *take such birds or animals.*