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SENATE BILL NO. 392

Offered January 23, 1998

A *BILL to amend and reenact § 28.2-708 of the Code of Virginia, relating to peeler and soft shell crabs.*

Patron—Barry

Referred to the Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That § 28.2-708 of the Code of Virginia is amended and reenacted as follows:**

§ 28.2-708. Limitations on sizes of crabs to be taken; inspection of catch; exemption; penalty.

A. It is unlawful for any person to catch, take or have in his possession more than ten hard crabs per United States standard bushel or thirty-five hard crabs per barrel, which measure less than five inches across the shell from tip to tip of the longest spikes, or to destroy them in any manner. Those undersized crabs in excess of the allowance level shall be immediately returned to the water alive. Adult female crabs, peeler crabs and soft crabs are exempt from these limitations. *The Commission, in determining the allowable size and catch of peeler and soft crabs, shall apply identical restrictions to both types of crabs.*

B. Any officer may grade or cull any number of barrels, baskets or containers of crabs in any person's possession.

If the officer finds more than ten undersize hard crabs per United States standard bushel or thirty-five per barrel, he shall seize the entire quantity of crabs in or from each such container, and the person who possessed the crabs shall immediately return them to the water. Refusal to return the crabs to the water is a separate offense from any other violation.

C. The requirement in subsections A and B to return crabs to the waters shall apply to crabs taken and in possession of a crabber or catcher but shall not apply to crabs which have been purchased by and are in the possession of a buyer, nor shall it apply to crabs which have been transported at least five miles from the nearest salt water.

D. The Commission may change ~~such~~ *the five inch* size restrictions *found in this section* for a period not to exceed sixty days to respond to significant ecological changes.

E. A violation of this section is a Class 3 misdemeanor.

INTRODUCED

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