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**HOUSE BILL NO. 138**

Offered January 9, 2002

Prefiled December 26, 2001

*A BILL to amend and reenact § 29.1-519 of the Code of Virginia, relating to the use of firearms during spring turkey season; penalty.*

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 Patron—Abbitt

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 Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Be it enacted by the General Assembly of Virginia:****1. That § 29.1-519 of the Code of Virginia is amended and reenacted as follows:**

§ 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;

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 turkeys during the spring season for bearded turkeys with any firearm other than a flintlock rifle equipped with iron or open sites, or a shotgun, is prohibited.*

~~F.~~ G. 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.

INTRODUCED

HB138