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SENATE BILL NO. 263

Senate Amendments in [] — February 4, 2008

A *BILL to amend and reenact § 18.2-136 of the Code of Virginia, relating to retrieving dogs from the property of others; penalty.*

Patron Prior to Engrossment—Senator Deeds

Referred to Committee for Courts of Justice**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-136 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-136. Right of certain hunters to go on lands of another; carrying firearms or bows and arrows prohibited.

A. Fox hunters and coon hunters, when the chase begins on other lands, may follow their dogs on prohibited lands, and hunters of all other game, when the chase begins on other lands, may go upon prohibited lands to retrieve their dogs, but ~~may~~ *shall* not carry firearms or bows and arrows on their persons or hunt any game while thereon. The use of vehicles to retrieve dogs on prohibited lands shall be allowed only with the permission of the landowner or his agent. Any person who goes on prohibited lands to retrieve his dogs pursuant to this section and who (i) *carries his firearm or bow and arrow on his person* [~~or~~ and] *hunts while on the property or* (ii) willfully refuses to identify himself when requested by the landowner or his agent to do so, is guilty of a Class [4 2] misdemeanor.

B. *Any firearm or bow and arrow carried by the person in a manner that violates clause (i) of subsection A [~~shall~~ may] , upon conviction of such person violating clause (i), be forfeited to the Commonwealth by order of the court trying the case. [~~The A~~] forfeiture shall be enforced as provided in Chapter 22 (§ 19.2-369 et seq.) of Title 19.2. The officer or other person seizing the property shall immediately give notice to the attorney for the Commonwealth.*

C. *In addition to the penalty prescribed in subsection A, the court shall revoke the current hunting license, if any, of a person convicted of violating clause (i) of subsection A and prohibit the issuance of any hunting license to that person for the next license year. If the person hunts during this prohibited period, he is guilty of a Class 2 misdemeanor. Notification of such revocation or prohibition shall be forwarded to the Department of Game and Inland Fisheries pursuant to subsections C and D of § 18.2-56.1.*

ENGROSSED

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