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HOUSE BILL NO. 1298

Offered January 14, 2015

Prefiled November 5, 2014

A BILL to amend and reenact § 29.1-745 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-10.3, relating to noncommercial vessels; probable cause.

Patron—Morris

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-745 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-10.3 as follows:

§ 19.2-10.3. Probable cause required to stop, board, or inspect a noncommercial vessel on navigable waters of the Commonwealth.

Notwithstanding any other provision of law, no law-enforcement officer charged with enforcing laws or regulations on the navigable waters of the Commonwealth shall stop, board, or inspect any noncommercial vessel on the navigable waters of the Commonwealth unless such officer has probable cause to believe that a violation of law or regulation exists.

§ 29.1-745. Enforcement of chapter; vessels displaying Coast Guard inspection decal.

A. Every conservation police officer, Marine Resources Commission inspector, and every other law-enforcement officer of the Commonwealth and its subdivisions shall have the authority to enforce the provisions of this chapter and shall have authority to stop, board, and inspect any vessel subject to this chapter after having identified himself in his official capacity. Except for enforcement of § 29.1-738 and the requirement of having the registration certificate on board, the provisions of this section shall not apply to any vessel of ~~twenty-six~~ 26 feet or more in length on which is displayed a current valid United States Coast Guard or United States Coast Guard Auxiliary inspection decal.

B. *Notwithstanding the provisions of subsection A, no conservation police officer, Marine Resources Commission inspector, or other law-enforcement officer shall, without the consent of the owner, stop, board, or inspect any noncommercial vessel subject to this chapter unless such officer or inspector has probable cause that a violation of this chapter exists.*

INTRODUCED

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