

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 340

An Act to amend and reenact § 28.2-511 of the Code of Virginia, relating to Marine Resources Commission; oysters; culling.

[H 1574]

Approved March 13, 2017

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-511 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-511. Culling oysters; penalty.

A. 1. In addition to any other penalty prescribed by law, any person charged with violating any regulation governing the culling of oysters shall be required, by the officer making the charge, to scatter the entire cargo of oysters on the public rocks under the supervision of the officer and at the expense of the person charged with the violation. *No portion of the cargo of oysters shall be scattered anywhere other than on the public rocks.*

2. In lieu of throwing the cargo overboard, the person charged with the violation may post *a bond by credit card, check, or cash* ~~bond~~ with the officer in an amount approximately equal to the value of the entire load as determined by the officer. *If the person charged posts a bond by credit card, the Commission may collect such actual credit card service charges as apply.*

3. The refusal to either dump the oysters overboard or post a ~~cash~~ bond is a distinct and separate offense from any other violation. A person who has posted a ~~cash~~ bond and is acquitted shall be refunded the ~~cash~~ bond. If the person is found guilty, the ~~cash~~ bond shall be forfeited and deposited to the credit of the Oyster Replenishment Fund.

4. Any person charged with ~~such~~ a violation *of a regulation* who posts ~~cash~~ bond shall properly cull the entire cargo of oysters immediately after the officer has found ~~them~~ *the oysters* to be in violation of such regulation and before they can be sold, planted, or disposed of by him or by any other person.

B. The requirement to scatter the entire cargo of oysters on the public rocks shall only apply to a cargo of oysters taken by any catcher from the public oyster grounds and shall not apply to oysters which have been purchased by and are in the possession of a buyer.

A violation of any provision of this section is a Class 3 misdemeanor.