

2017 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

17104482D

SENATE BILL NO. 1525

Offered January 19, 2017

A BILL to amend and reenact § 18.2-132.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 8.01-42.5, relating to trespass by persons using hunting dogs.

Patron—Marsden

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-132.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 8.01-42.5 as follows:

§ 8.01-42.5. Civil action for trespass by hunters using dogs.

A. The owner of any property may institute a civil cause of action against a person who (i) engaged in conduct that is prohibited under § 18.2-132.1, whether or not the person has been charged with or convicted of the alleged violation, or (ii) released hunting dogs and failed to exercise due care to prevent the hunting dogs from entering onto the lands of another which have been posted in accordance with the provisions of § 18.2-134.1 to hunt without the consent of the landowner or his agent for compensatory damages incurred as a result of the conduct or \$500, whichever is greater, in addition to reasonable attorney fees and costs.

B. No action shall be commenced under this section more than two years after the most recent conduct.

§ 18.2-132.1. Trespass by hunters using dogs; penalty.

Any person who intentionally releases hunting dogs on the lands of another which have been posted in accordance with the provisions of § 18.2-134.1 to hunt without the consent of the landowner or his agent is guilty of a Class 3 misdemeanor. A second or subsequent violation of this section within three years is a Class 1 misdemeanor and, upon conviction, the court shall revoke such person's hunting or trapping license for a period of one year. Any person who releases hunting dogs adjacent to lands subject to the trespass of the hunting dogs who knew or should have known that a trespass was imminent and who is in the act of hunting or training hunting dogs is subject to a Class 3 misdemeanor for any first or subsequent offense. The fact that hunting dogs are present on the lands of another alone is not sufficient evidence to prove that the person acted intentionally.

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