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HOUSE BILL NO. 1075

Offered January 10, 2018

Prefiled January 10, 2018

A BILL to amend and reenact §§ 29.1-338, 29.1-530.2, 29.1-546, and 29.1-550 of the Code of Virginia, relating to poaching; revocation of hunting, trapping, or fishing license and privileges.

Patrons—Hurst, Edmunds and Lopez

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-338, 29.1-530.2, 29.1-546, and 29.1-550 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-338. Revocation of license and privileges; penalties.

If any person is found guilty of violating (i) any of the provisions of the hunting, trapping, or inland fish laws, any provisions of §§ 15.2-915.2, 15.2-1209.1, 18.2-131 through 18.2-136 ~~and §§, 18.2-285 through, 18.2-286, or 18.2-286.1~~, or any regulations adopted by the Board pursuant thereto, a second time within three years of a previous conviction of violating any such law or regulation, or (ii) any provisions of law or ordinance governing the dumping of refuse, trash, or other litter, while engaged in hunting, trapping, or fishing, such license and privileges shall be revoked by the court trying the case and that person shall not apply for a new license or exercise such privileges until 12 months succeeding the date of conviction. The court may also prohibit the convicted person from hunting, fishing, or trapping in the Commonwealth for a period of one to ~~five~~ 10 years. If found hunting, trapping, or fishing during this prohibited period, the person ~~shall be~~ is guilty of a Class 2 misdemeanor ~~and shall be prohibited from hunting, fishing, or trapping for an additional one to 10 years~~. Licenses revoked shall be sent to the Director.

§ 29.1-530.2. Unlawfully killing bear; penalty.

Any person who kills or attempts to kill a bear in violation of any provision of this article or of a regulation adopted thereunder ~~shall be~~ is guilty of a Class 1 misdemeanor. ~~The court may also prohibit the convicted person from hunting, trapping, or fishing in the Commonwealth for a period of one to 10 years.~~

§ 29.1-546. General penalty.

Any person convicted of violating any of the provisions of this title ~~shall~~, unless otherwise specified, ~~be~~ is guilty of a Class 2 misdemeanor. ~~The court may also prohibit a person convicted pursuant to this section from hunting, trapping, or fishing in the Commonwealth for a period of one to 10 years.~~

§ 29.1-550. Taking game or fish during closed season or exceeding bag limit.

It ~~shall be~~ is unlawful for any person to (i) take, or attempt to take, any wild bird, wild animal, or fish during the closed season; (ii) exceed the bag or creel limit for any wild bird, wild animal, or fish; or (iii) possess over the daily bag or creel limit for any wild bird, wild animals, or fish while in the forests, fields, or waters of the Commonwealth. Any person convicted of violating any provisions of this section ~~shall be~~ is guilty of a Class 2 misdemeanor. ~~The court shall revoke the hunting, trapping, or fishing license of any person convicted of violating clause (i), and such person shall be prohibited from applying for a new license or exercising such privileges for at least 12 months and up to 10 years succeeding the date of conviction.~~

INTRODUCED

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