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SENATE BILL NO. 1040

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on February 6, 1995)

(Patron Prior to Substitute—Senator Trumbo)

A BILL to amend the Code of Virginia by adding in Chapter 27 of Title 3.1 an article numbered 4.1:1, consisting of sections numbered 3.1-763.5:1 through 3.1-763.5:8, relating to the licensing and regulation of animal shooting enclosures; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 27 of Title 3.1 an article numbered 4.1:1, consisting of sections numbered 3.1-763.5:1 through 3.1-763.5:8, as follows:

Article 4.1:1.

Shooting Enclosures.

§ 3.1-763.5:1. Definitions.

As used in this article, unless the context requires a different meaning:

"Board" means the Board of Agriculture and Consumer Services.

"Department" means the Department of Agriculture and Consumer Services.

"Shooting enclosure" or "enclosure" means any enclosed area open commercially to the public where animals are held for the purpose of being shot.

"Wildlife" means any native or exotic wild animal or bird.

§ 3.1-763.5:2. Department authorized to issue, deny and revoke licenses; exceptions.

A. The Department shall issue a license for shooting enclosures only to those enclosures which were in operation on or before January 1, 1995. However, these enclosures may continue to operate until the effective date of regulations but shall hold only those animals described in § 3.1-763.5:6 and subsequently specified in regulations. The Department shall issue a license to a shooting enclosure when it meets the requirements of this article and regulations promulgated thereunder. Upon the effective date of regulations, no person shall operate an enclosure unless he has obtained a license from the Department.

B. The Department may deny, suspend, or revoke a license if the applicant for a license or a licensee, violates, or is otherwise not in compliance with this article or the regulations adopted pursuant thereto.

C. Before a shooting enclosure is licensed and throughout the duration of the license, the Department shall inspect the shooting enclosure to ensure compliance with this article or the regulations adopted pursuant thereto.

§ 3.1-763.5:3. Grounds for denial, suspension or revocation of license.

The Department may deny, suspend or revoke a license to operate a shooting enclosure, if the:

1. Applicant for a license does not own or lease the land that will be used for the shooting enclosure;

2. Applicant for a license does not meet local zoning and land-use requirements;

3. Operation of the shooting enclosure poses a threat to the health of humans, wildlife, or livestock;

4. Operation of the enclosure poses a threat of harm to: (i) wildlife species, whether native or naturalized, (ii) agricultural practices, or (iii) livestock;

5. Shooting enclosure is constructed or maintained in such a way that animals being held may escape; or

6. Applicant for a license or the licensee fails to meet any requirement of this article or regulations adopted pursuant thereto.

§ 3.1-763.5:4. Application and license fees; other costs.

A. Any person desiring to obtain a license to operate a shooting enclosure shall pay to the Department a one-time application fee of \$1,000. The revenue generated by the nonrefundable fee shall be used to defray the costs of reviewing the application for a license. Upon approval of the application for a license, the applicant shall pay to the Department an annual license fee of \$500. Except in instances in which licenses are denied, suspended or revoked, all licenses shall expire on June 30 of each year. License fees collected by the Department shall be used to carry out its responsibilities to regulate the operation of shooting enclosures.

B. The Department may recover from the licensee the actual costs incurred by the Department for: (i) investigating the conditions of, examining, or disposing of animals pursuant to this article and (ii) apprehending animals that escape from a shooting enclosure.

§ 3.1-763.5:5. Board to promulgate regulations.

A. The Board shall promulgate regulations to carry out the provisions of this article including, but

60 *not limited to, the requirements for licensing and operating shooting enclosures located within the*
61 *Commonwealth. In addition, the Board may promulgate regulations governing the veterinary care to be*
62 *provided to animals held in shooting enclosures.*

63 *B. In promulgating such regulations, the Board shall establish criteria for the following:*

64 *1. Specific species of goats, sheep, and hogs that may be held;*

65 *2. Minimum contiguous acreage necessary;*

66 *3. Humane care and humane killing of animals being held;*

67 *4. Methods and procedures for disposal of animals; and*

68 *5. Reporting the death of every animal being held in the shooting enclosure not killed by the*
69 *clientele.*

70 *§ 3.1-763.5:6. Limitation on animals to be held.*

71 *In no instance shall any animals other than goats of the genus Capri, sheep of the genera*
72 *Ammotragus and Ovis, and hogs of the genus Sus, be held in such enclosures. The Board shall delineate*
73 *the specific species of goats, sheep, and hogs that shall be allowed to be held in an enclosure. The*
74 *importation, possession, and shooting of these animals shall be in accordance with state and federal*
75 *laws and regulations.*

76 *§ 3.1-763.5:7. Exemption from article.*

77 *Nothing in this article or any regulation promulgated thereunder shall apply to shooting preserves*
78 *licensed under Chapter 6 (§ 29.1-600 et seq.) of Title 29.1.*

79 *§ 3.1-763.5:8. Penalty.*

80 *Any person who violates any provision of this article or a regulation promulgated thereunder shall*
81 *be guilty of a Class 2 misdemeanor.*