

House Bill 301

By: Representatives Morris of the 155<sup>th</sup>, Lane of the 146<sup>th</sup>, Hanner of the 159<sup>th</sup>, Coleman of the 142<sup>nd</sup>, Murphy of the 18<sup>th</sup> and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to game and fish, so as to make certain legislative findings; to  
3 provide that the Department of Natural Resources has the authority and duty to encourage  
4 hunting and fishing; to provide that hunting and fishing is a right; to provide that no political  
5 subdivision of the state shall regulate hunting, trapping, or fishing by local ordinance; to  
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to general  
10 provisions relative to game and fish, is amended by striking in its entirety Code Section  
11 27-1-3, relating to ownership and custody of wildlife, privilege to hunt, trap, or fish, and  
12 general offenses, and inserting in lieu thereof the following:

13 "27-1-3.

14 (a) The General Assembly recognizes that hunting and fishing and the taking of wildlife  
15 are a valued part of the cultural heritage of the State of Georgia. The General Assembly  
16 further recognizes that such activities play an essential role in the state's economy and in  
17 funding the state's management programs for game and nongame species alike, and that  
18 such activities have also come to play an important and sometimes critical role in the  
19 biological management of certain natural communities within this state. In recognition of  
20 this cultural heritage and the tradition of stewardship it embodies, and of the important role  
21 that hunting and fishing and the taking of wildlife play in the state's economy and in the  
22 preservation and management of the state's natural communities, the General Assembly  
23 declares that Georgia citizens have the right to take fish and wildlife, subject to the laws  
24 and regulations adopted by the board for the public good and general welfare, which laws  
25 and regulations should be vigorously enforced. The General Assembly further declares that  
26 the state's wildlife resources should be managed in accordance with sound principles of

1 wildlife management, using all appropriate tools, including hunting, fishing, and the taking  
 2 of wildlife.

3 (b) The ownership of, jurisdiction over, and control of all wildlife, as defined in this title,  
 4 are declared to be in the State of Georgia, in its sovereign capacity, to be controlled,  
 5 regulated, and disposed of in accordance with this title. Wildlife is held in trust by the state  
 6 for the benefit of its citizens and shall not be reduced to private ownership except as  
 7 specifically provided for in this title. All wildlife of the State of Georgia ~~are~~ is declared to  
 8 be within the custody of the department for purposes of management and regulation in  
 9 accordance with this title. However, the State of Georgia, the department, and the board  
 10 shall be immune from suit and shall not be liable for any damage to life, person, or property  
 11 caused directly or indirectly by any wildlife.

12 (c) The department has the authority and the responsibility to work with cooperating  
 13 sportsmen, conservation groups, and others to encourage participation in hunting and  
 14 fishing at a level to ensure continuation of such activities in perpetuity and no net loss of  
 15 hunting and fishing opportunity on state owned lands. Further, the department is authorized  
 16 to promote and encourage hunting, fishing, and other wildlife associated recreation on state  
 17 managed wildlife areas, public fishing areas, federally owned or managed forests, and other  
 18 suitable public and private lands of this state.

19 ~~(b)~~ (d) To hunt, trap, or fish, as defined in this title, or to possess or transport wildlife is  
 20 declared to be a privilege right to be exercised only in accordance with the laws granting  
 21 governing such privilege right. Every person exercising this privilege right does so subject  
 22 to the right authority of the state to regulate hunting, trapping, and fishing for the public  
 23 good and general welfare; and it shall be unlawful for any person ~~participating in the~~  
 24 ~~privileges~~ exercising the right of hunting, trapping, fishing, possessing, or transporting  
 25 wildlife to refuse to permit authorized employees of the department to inspect and count  
 26 such wildlife to ascertain whether the requirements of the wildlife laws and regulations are  
 27 being faithfully complied with. Any person who hunts, traps, fishes, possesses, or  
 28 transports wildlife in violation of the wildlife laws and regulations violates the conditions  
 29 under which this privilege right is extended; and any wildlife then on his person or within  
 30 his immediate possession ~~are~~ is deemed to be wildlife possessed in violation of the law and  
 31 ~~are~~ is subject to seizure by the department pursuant to Code Section 27-1-21.

32 ~~(c)~~ (e) It shall be unlawful to hunt, trap, or fish except during an open season for the taking  
 33 of wildlife, as such open seasons may be established by law or by rules and regulations  
 34 promulgated by the board or as otherwise provided by law.

35 ~~(d)~~ (f) It shall be unlawful to hunt, trap, or fish except in compliance with the bag, creel,  
 36 size, and possession limits and except in accordance with such legal methods and weapons

1 and except at such times and places as may be established by law or by rules and  
2 regulations promulgated by the board.

3 ~~(e)~~ (g) It shall be unlawful to hunt, trap, or fish for any game species after having obtained  
4 the daily or season bag or creel limit for that species.

5 (h) Except as otherwise provided by general law, the power and duty to promulgate rules  
6 and regulations relating to hunting, trapping, and fishing rests solely with the board. No  
7 political subdivision of the state may regulate hunting, trapping, or fishing by local  
8 ordinance.

9 ~~(f)~~ (i) A person who takes any wildlife in violation of this title commits the offense of theft  
10 by taking. A person who hunts, traps, or fishes in violation of this title commits the offense  
11 of criminal attempt. Any person who violates any provision of this Code section shall be  
12 guilty of a misdemeanor.

13 ~~(g)~~ (j) If any court finds that any criminal violation of the provisions of this title is so  
14 egregious as to display a willful and reckless disregard for the wildlife of this state, the  
15 court may, in its discretion, suspend the violator's ~~privilege~~ right to hunt, fish, trap,  
16 possess, or transport wildlife in this state for a period not to exceed five years. Any person  
17 who hunts, fishes, traps, possesses, or transports wildlife in this state in violation of such  
18 suspension of ~~privileges~~ rights shall be guilty of a misdemeanor of a high and aggravated  
19 nature and upon conviction thereof shall be punished by a fine of not less than \$1,500.00  
20 nor more than \$5,000.00 or imprisonment for a period not exceeding 12 months or both."

## 21 SECTION 2.

22 All laws and parts of laws in conflict with this Act are repealed.