

**AS PASSED SENATE**

The Senate Natural Resources Committee offered the following substitute to HB 301:

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 exceptions; to provide for related matters; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**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

14 "27-1-3.

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

1 the state's wildlife resources should be managed in accordance with sound principles of  
 2 wildlife management, using all appropriate tools, including hunting, fishing, and the taking  
 3 of wildlife.

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

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

20 (b) (d) To hunt, trap, or fish, as defined in this title, or to possess or transport wildlife is  
 21 declared to be a privilege right to be exercised only in accordance with the laws granting  
 22 governing such privilege right. Every person exercising this privilege right does so subject  
 23 to the right authority of the state to regulate hunting, trapping, and fishing for the public  
 24 good and general welfare; and it shall be unlawful for any person participating in the  
 25 privileges exercising the right of hunting, trapping, fishing, possessing, or transporting  
 26 wildlife to refuse to permit authorized employees of the department to inspect and count  
 27 such wildlife to ascertain whether the requirements of the wildlife laws and regulations are  
 28 being faithfully complied with. Any person who hunts, traps, fishes, possesses, or  
 29 transports wildlife in violation of the wildlife laws and regulations violates the conditions  
 30 under which this privilege right is extended; and any wildlife then on his person or within  
 31 his immediate possession ~~are~~ is deemed to be wildlife possessed in violation of the law and  
 32 ~~are~~ is subject to seizure by the department pursuant to Code Section 27-1-21. Nothing in  
 33 this subsection shall be construed to reduce, infringe upon, or diminish the rights of private  
 34 property owners as otherwise provided by general law.

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

