

House Bill 301 (AS PASSED HOUSE AND SENATE)

By: Representatives Morris of the 155th, Lane of the 146th, Hanner of the 159th, Coleman of the 142nd, Murphy of the 18th 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 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:

9 style="text-align:center">**SECTION 1.**

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

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.

1 ~~(d)~~ (f) It shall be unlawful to hunt, trap, or fish except in compliance with the bag, creel,
 2 size, and possession limits and except in accordance with such legal methods and weapons
 3 and except at such times and places as may be established by law or by rules and
 4 regulations promulgated by the board.

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

7 (h) Except as otherwise provided by general law, the power and duty to promulgate rules
 8 and regulations relating to hunting, trapping, and fishing rests solely with the board. No
 9 political subdivision of the state may regulate hunting, trapping, or fishing by local
 10 ordinance; provided, however, that a local government shall not be prohibited from
 11 exercising its management rights over real property owned or leased by it for purposes of
 12 prohibiting hunting, fishing, or trapping upon the property or for purposes of setting times
 13 when access to the property for purposes of hunting, fishing, or trapping in accordance with
 14 this title may be permitted. Nothing contained in this Code section shall prohibit
 15 municipalities or counties, by ordinance, resolution, or other enactment, from reasonably
 16 limiting or prohibiting the discharge of firearms within the boundaries of the political
 17 subdivision for purposes of public safety.

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

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

30 SECTION 2.

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