

House Bill 1095

By: Representative Harbin of the 80<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 27-4-33 of the Official Code of Georgia Annotated, relating to  
2 spearing of fish, so as to authorize the taking of certain fish by spearing in certain waters of  
3 the state; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

6 Code Section 27-4-33 of the Official Code of Georgia Annotated, relating to spearing of fish,  
7 is amended by striking the Code section in its entirety and inserting in lieu thereof a new  
8 Code Section 27-4-33 to read as follows:

9 "27-4-33.

10 (a) It shall be unlawful to spear game fish and all species of catfish in the fresh waters of  
11 this state except as provided in this Code section; provided, however, other species of  
12 nongame fish may be speared solely for the purpose of sport, provided the person engaged  
13 in the act of spearing is completely submerged.

14 (b) 'Spearing' as used in this Code section shall be limited to the use of a spear or similar  
15 instrument that is held in the hand of the person using the same and the use of a weapon  
16 other than a firearm which propels or forces a projectile or similar device therefrom, to  
17 which a wire, rope, line, cord, or other means of recovering the projectile or similar device  
18 is attached, which wire, rope, line, cord, or other means is secured to the weapon or the  
19 person using the weapon.

20 (c) It shall also be unlawful for any person to engage in the spearing of ~~nongame~~ fish in  
21 the fresh waters of this state without a resident or nonresident fishing license as provided  
22 in Code Section 27-2-23.

23 (d) It shall be unlawful to use spears with poisonous or exploding heads.

24 (e) It shall be unlawful to discharge spears into waters nearer than 150 feet to anyone  
25 engaged in any other means of recreation.

1 (f) Any game fish, except channel catfish and flathead catfish taken under the provisions  
2 of subsection (g) of this Code section, with an open wound and in the possession of a  
3 person fishing with a spear shall be prima-facie evidence of taking and possessing fish  
4 illegally.

5 (g) It shall be unlawful to take channel catfish and flathead catfish anywhere in the  
6 Savannah River, including its tributaries and impoundments within the Savannah River  
7 Basin, by means of spearing, except under the following conditions:

8 (1) The taking of channel catfish and flathead catfish in the Savannah River, including  
9 its tributaries and impoundments within the Savannah River Basin, by spear shall be legal  
10 at any time of the day and at night by the use of a light; and

11 (2) All spears used pursuant to this subsection must be equipped with barbs or contain  
12 devices on the point to act as a harpoon for recovering fish and must be attached to the  
13 person using the spear or to the weapon by a rope, line, or cord sufficient for recovering  
14 the spear and channel catfish or flathead catfish."

15 **SECTION 2.**

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