

Senate Bill 201

By: Senators Goggans of the 7th, Williams of the 19th, Chapman of the 3rd and Whitehead,
Sr. of the 24th

A BILL TO BE ENTITLED
AN ACT

1 To provide for deer management; to amend Title 27 of the Official Code of Georgia
2 Annotated, relating to game and fish, so as to change certain provisions relating to
3 revocation, suspension, denial, or nonrenewal of licenses or permits and administrative and
4 judicial review; to change certain provisions relating to legal weapons for hunting wildlife
5 generally; to change certain provisions relating to season and bag limits, promulgation of
6 rules and regulations by the board, possession of more than bag limit, and reporting number
7 of deer killed; to change certain provisions relating to hunting deer with dogs; to provide for
8 donation of deer processed for human consumption to bona fide charitable or nonprofit
9 organizations for service or distribution to the poor or needy; to amend Chapter 1 of Title 51,
10 relating to general provisions relative to torts, to provide for certain immunity related to such
11 donation, service, and distribution; to provide a short title; to repeal conflicting laws; and for
12 other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 This Act shall be known and may be cited as the "Deer Management Act of 2005."

16 **SECTION 2.**

17 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by
18 striking subsection (c) of Code Section 27-2-25, relating to revocation, suspension, denial,
19 or nonrenewal of licenses or permits and administrative and judicial review, and inserting in
20 lieu thereof the following:

21 "(c) Any person whose license, permit, or application for a license or permit, or both, is
22 proposed for revocation, suspension, denial, or nonrenewal shall, upon petition to the
23 commissioner within 30 days of issuance of notice given as stated in subsection (a) of this
24 Code section, have a right to a hearing before ~~an administrative law judge appointed by the~~
25 ~~Board of Natural Resources. The~~ the judge of the probate court of the county in which the

1 alleged violation occurred, who for such purposes shall act and be compensated as an
 2 associate administrative law judge the same as if assigned to such cases by the chief state
 3 administrative law judge under paragraph (5) of subsection (e) of Code Section 50-13-40.
 4 In all other respects, the hearing before the administrative law judge of the probate court
 5 shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
 6 Procedure Act,' and the rules and regulations adopted by the board pursuant thereto. The
 7 decision of the ~~administrative law judge~~ of the probate court shall constitute the final
 8 decision of the board and any party to the hearing, including the commissioner, shall have
 9 the right of judicial review thereof in accordance with Chapter 13 of Title 50."

10 SECTION 3.

11 Said title is further amended in Code Section 27-3-4, relating to legal weapons for hunting
 12 wildlife generally, by striking paragraph (2) and inserting in lieu thereof the following:

13 "(2) During primitive weapon hunts or primitive weapons seasons, longbows, recurve
 14 bows, crossbows, compound bows, muzzleloading firearms of .44 caliber or larger ~~with~~
 15 ~~iron sights only and without telescopic sights,~~ and muzzleloading shotguns of 20 gauge
 16 or larger loaded with single shot may be used;"

17 SECTION 4.

18 Said title is further amended in Code Section 27-3-15, relating to seasons and bag limits,
 19 promulgation of rules and regulations by the board, possession of more than bag limit, and
 20 reporting number of deer killed, by striking paragraph (4) of subsection (b) and inserting in
 21 lieu thereof the following:

22	"(4) Deer	Sept. 8 — Jan. 15; <u>and provided, further,</u>	The daily limit shall be
23		<u>that in those portions of the southern</u>	ten <u>15</u> antlerless deer
24		<u>zone for hunting deer where hunting deer</u>	and two antlered bucks.
25		<u>with dogs is allowed, the open season for</u>	The season limit shall
26		<u>hunting deer with dogs shall be</u>	be ten <u>15</u> antlerless deer
27		<u>designated by the board as ending not</u>	and two antlered bucks.
28		<u>sooner than Jan. 15</u>	Only one antlered buck
29			may have less than four
30			points one inch or
31			longer on one side of the antlers.

1 Up to two deer per
 2 managed hunt may be
 3 allowed on wildlife
 4 management areas
 5 without complying with
 6 the state-wide bag limit"

7 **SECTION 5.**

8 Said title is further amended by striking Code Section 27-3-17, relating to hunting deer with
 9 dogs, and inserting in lieu thereof the following:

10 "27-3-17.

11 (a) It shall be unlawful to hunt deer with dogs except during such special open seasons for
 12 the hunting of deer with dogs as may be designated by the board on a state-wide, regional,
 13 or local basis.

14 (b) In accordance with subsection (a) of this Code section, the board is authorized to
 15 promulgate rules and regulations establishing an open season for the hunting of deer with
 16 dogs as may be appropriate based on sound wildlife management principles; provided,
 17 however, that the board shall continue to establish annually an open season for the hunting
 18 of deer with dogs in each county in which hunting of deer with dogs was authorized for the
 19 2004-2005 hunting season unless the hunting of deer with dogs in such county is prohibited
 20 by local Act of the General Assembly.

21 (c) It shall be unlawful for any person to hunt deer with dogs on any tract of real property
 22 unless a permit for hunting deer with dogs has been issued by the department for such tract
 23 to the owner or owners of such tract or the lessee of deer hunting rights for such tract. A
 24 permit for hunting deer with dogs shall not be issued to a lessee of deer hunting rights for
 25 any tract of real property that is less than ~~1,000~~ 500 contiguous acres or to the property
 26 owner or owners for any tract of real property that is less than 250 contiguous acres. Any
 27 application for a permit for hunting deer with dogs shall be on such form as prescribed by
 28 the department; ~~shall be accompanied by the required application fee;~~ and shall include a
 29 written description of the tract boundaries and a map showing key features such as public
 30 roads or streams on or bordering the tract and occupied dwellings on adjacent properties.
 31 The application must be signed by all persons owning any portion of the tract of real
 32 property or an authorized agent thereof. ~~The application fee for such permit shall be~~
 33 ~~\$100.00 for an annual permit or \$25.00 for a two-day permit.~~ There shall be no fee for such
 34 permit.

1 (d) The owner of any dog that is used for hunting deer must cause such dog to be identified
 2 with the owner's name, address, and telephone number at all times during the hunt ~~with the~~
 3 ~~permit number for the tract being hunted.~~

4 ~~(e) Any person operating a motor vehicle used in conducting a deer hunt with dogs shall~~
 5 ~~during such hunt clearly display in the lower corner of the driver's side of the front or rear~~
 6 ~~windshield of such motor vehicle a decal or card showing the tract permit number in~~
 7 ~~numerals not less than two inches high.~~

8 ~~(f)(e)~~ The department shall thoroughly investigate for validity any complaints from
 9 adjacent property owners regarding hunting deer with dogs in violation of this title or rules
 10 and regulations issued pursuant to this title. The commissioner ~~may~~ shall not take action
 11 against a permit issued to a corporation under this Code section for violations of this title
 12 or rules and regulations issued pursuant to this title committed by any individual hunter or
 13 hunters, but the commissioner may take action against any individual hunter as provided
 14 by Code Section 27-2-25 for violations of the provisions of this title or rules and
 15 regulations issued pursuant to this title ~~occurring on the tract of real property for which the~~
 16 ~~permit was issued~~ committed by such individual."

17 SECTION 6.

18 Said title is further amended by adding a new Code section to read as follows:

19 "27-3-51.

20 (a) Deer legally taken and processed for human consumption may be donated to and
 21 possessed, prepared, and distributed by a bona fide charitable or nonprofit organization
 22 which serves or distributes food without cost to the poor or needy. Packages of processed
 23 deer donated pursuant to this Code section shall be tagged, labeled, or marked 'not for sale';
 24 and such tag, label, or marking shall identify the meat as deer and shall include the hunting
 25 license number of the taker, the name and address of the processor of the deer, and the date
 26 of processing.

27 (b) The department shall make available instructions for the safe and sanitary preparation
 28 of deer, a list of professional processors where potential donors may take their deer for
 29 preparation and packaging, and a list of bona fide charitable or nonprofit organizations
 30 which accept donations of deer or processed deer. Professional processors and charitable
 31 and nonprofit organizations may notify the department of their intention to participate in
 32 such distribution of processed deer to the poor or needy, and the department shall include
 33 them in its list unless good cause otherwise exists."

SECTION 7.

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions relative to torts, is amended adding a new Code Section 51-1-31.1 to read as follows:

"51-1-31.1.

(a) A good faith donor of any deer meat processed and apparently fit for human consumption who donates such meat to a bona fide charitable or nonprofit organization for service or distribution to the poor or needy in accordance with Code Section 27-3-51 shall not be subject to criminal penalty or civil damages arising from the condition of the meat, unless an injury is caused by the recklessness or intentional misconduct of the donor.

(b) A bona fide charitable or nonprofit organization which accepts any deer meat processed and apparently fit for human consumption from a good faith donor for service or distribution to the poor or needy in accordance with Code Section 27-3-51 shall not be subject to criminal penalty or civil damages arising from the condition of the meat, unless an injury is caused by the recklessness or intentional misconduct of the charitable or nonprofit organization.

(c) The provisions of this Code section shall not be construed to restrict the authority of any lawful agency otherwise to regulate or ban the use of food for human consumption."

SECTION 8.

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