

House Bill 301 (AS PASSED HOUSE AND SENATE)

By: Representatives Warren of the 122nd, Harbin of the 118th, and Jenkins of the 8th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so
2 as to change certain provisions relating to taking fish generally; to change certain provisions
3 relating to spearing of fish; to authorize the taking of fish by grabbling, by noodling, or by
4 hand under certain conditions; to provide penalties for violations; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by
9 striking subsection (a) of Code Section 27-4-5, relating to methods of taking fish generally,
10 and inserting in lieu thereof a new subsection (a) to read as follows:

11 "(a) It shall be unlawful to fish for game fish, except American shad, hickory shad,
12 flathead catfish, and channel catfish, by any means other than a pole and line. Except as
13 otherwise provided, it shall be unlawful to take any fish in the fresh waters of this state by
14 any method other than a pole and line, sport trotlines in accordance with Code Section
15 27-4-32, set hooks, jugs, bow and arrow in accordance with Code Section 27-4-34, spears
16 in accordance with Code Section 27-4-33, bow nets as provided in Code Section 27-4-35,
17 seines in accordance with Code Section 27-4-6, by hand in accordance with Code Section
18 27-4-37, and as authorized in Code Section 27-4-91 with regard to commercial fresh-water
19 fishing."

20 **SECTION 2.**

21 Said title is further amended by striking Code Section 27-4-33, relating to spearing of fish,
22 and inserting in lieu thereof the following:

23 "27-4-33.

24 (a) It shall be unlawful to spear game fish and all species of catfish in the fresh waters of
25 this state except as provided in this Code section; provided, however, other species of

1 nongame fish may be speared solely for the purpose of sport, provided the person engaged
2 in the act of spearing is completely submerged.

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

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

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

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

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

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

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

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

29 SECTION 3.

30 Said chapter is further amended by adding a new Code Section 27-4-37 to read as follows:
31 "27-4-37.

32 (a) It shall be unlawful to fish for game fish, catfish, and all other species of fish in the
33 freshwaters of the state by grabbling, noodling, or hand grabbing except as provided in this
34 Code section. Flathead, channel, and blue catfish may be taken by hand without the aid of
35 any device, hook, snare, net, or other artificial instrument and without the aid of any scuba

1 equipment, air hose, or other artificial breathing apparatus between March 1 and July 15
2 of each year.

3 (b) It shall be unlawful to alter any natural or manmade feature by placing boards, wire,
4 barrels, buckets, or any device or obstruction in any stream or other body of water or to
5 modify any log, hole, or other feature in an attempt to attract or capture fish by grabbling,
6 noodling, or hand grabbing or to take fish by grabbling, noodling, or hand grabbing from
7 such altered devices. It shall also be unlawful to raise any part of a natural or artificial
8 device out of the water to aid in the hand capture of enclosed fish.

9 (c) Any game fish, except channel and flathead catfish, taken in violation of the provisions
10 of subsections (a) and (b) of this Code section, in the possession of a person grabbling,
11 noodling, or hand grabbing fish shall be prima-facie evidence of taking and possessing fish
12 illegally.

13 (d) It shall be unlawful for any person to engage in the grabbling, noodling, or hand
14 grabbing of flathead, channel, or blue catfish in the fresh waters of this state without a
15 resident or nonresident fishing license as provided in Code Section 27-2-23."

16 **SECTION 4.**

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