

Senate Bill 424

By: Senators Goggans of the 7th and Williams of the 19th

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 provide for certain licenses relating to exotic game; to define certain terms; to provide  
3 that no person shall possess, buy, import, or transport farmed exotic game or engage in or  
4 carry on the business of operating an exotic game ranch without first obtaining an exotic  
5 game ranch license; to provide requirements for the operation of an exotic game ranch; to  
6 provide for hunting exotic game on such ranch; to provide for the health of exotic game; to  
7 provide for jurisdiction, regulations, and penalties; to provide for related matters; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by  
12 adding a new subparagraph to paragraph (1) of Code Section 27-2-23, relating to license,  
13 permit, tag, and stamp fees, to read as follows:

14 "(M) Exotic game license One-year 100.00"

15 **SECTION 2.**

16 Said title is further amended in Code Section 27-2-23, relating to license, permit, tag, and  
17 stamp fees, by adding a new subparagraph to paragraph (8) to read as follows:

18 "(W) Exotic game ranch license One-year 500.00"

19 **SECTION 3.**

20 Said title is further amended in Chapter 3, relating to wildlife generally, by adding a new  
21 article to read as follows:

22 "ARTICLE 8

23 27-3-180.

24 As used in this article, the term:

25 (1) 'Exotic game' means elk, axis deer, fallow deer, sika deer, red deer, nilgai antelope,  
26 addax antelope, black buck antelope, and aoudad raised for commercial sport. Such term  
27 shall not meant those cervids which are indigenous to this state, including white-tailed  
28 deer.

29 (2) 'Exotic game ranch' means a facility at which exotic game is kept for commercial  
30 hunting where patrons pay a fee to kill exotic game animals on the premises.

31 27-3-181.

32 (a) No person shall possess, buy, import, or transport exotic game or engage in or carry on  
33 the business of operating an exotic game ranch without first applying for and obtaining an  
34 exotic game ranch license pursuant to Code Section 27-2-23. An exotic game ranch license  
35 shall be valid from the date of issuance to March 31 of the following calendar year. An  
36 exotic game ranch license shall not be issued to any exotic game ranch operation which has  
37 not been inspected and approved by the department, provided that any facility expansion  
38 must be reapproved prior to renewal of a license.

39 (b) The license of any exotic game ranch operator violating this article or any rule or  
40 regulation adopted by the board pursuant to this article shall be subject to revocation,  
41 cancellation, or suspension following notice and hearing. An exotic game ranch license  
42 of any licensee whose facility does not meet the definition of an agricultural operation shall  
43 be revoked, and such license may be revoked if the licensee violates any provision of this  
44 title relating to wild animals. Any exotic game must be disposed of within 45 days of  
45 revocation of any exotic game farming license.

46 (c) Exotic game ranch operators shall maintain inventory records of their exotic game  
47 herds, including natural additions, purchased additions, sales, and deaths. Records shall  
48 be kept in accordance with specifications of the board and shall be subject to review by the  
49 department.

50 (d) Exotic game ranch operators shall construct and maintain premises and facilities used  
51 in exotic game ranch operations in accordance with rules established by the board and in  
52 accordance with subparagraph (A) of paragraph (1) of Code Section 27-5-6, provided that:

53 (1) The exotic game ranch must be at least 300 acres in size and at least 250 acres of  
54 which shall be wooded;

55 (2) The facility must be constructed of such material and of such strength as appropriate  
56 for the animals involved;

57 (3) Housing facilities shall be structurally sound and shall be maintained in good repair  
58 to protect and contain the animals;

59 (4) The facilities shall be designed in such manner, including the inclusion of barriers of  
60 sufficient dimensions and conformation, to safeguard both the animals and the public  
61 against injury or the transmission of diseases by direct contact; and

62 (5) Any portion of such facility within which exotic game are maintained shall be  
63 surrounded by a fence with a minimum height of eight feet with the bottom six feet made  
64 of woven mesh and constructed of a design, strength, gauge, and mesh approved by the  
65 department which is sufficient to prevent escape of exotic game and to prevent  
66 white-tailed deer from entering. Supplemental wire to attain a height of eight feet may  
67 be smooth, barbed, or woven wire of a gauge and mesh approved by the department with  
68 strands no more than six inches apart. All trees and structures which pose a threat to the  
69 integrity of the fencing shall be removed unless fencing is constructed so as to prevent  
70 the breach of the fence from the fall of a tree or structure.

71 (e) It shall be the duty of the department to inspect an applicant's facilities.

72 (f) For purposes other than operation of an exotic game ranch, exotic game species must  
73 be held under a wild animal license pursuant to Chapter 5 of this title. Anyone holding,  
74 possessing, importing, or transporting farmed exotic game without an exotic game ranch  
75 license or a wild animal license is in violation of this title.

76 27-3-182.

77 Patrons of exotic game ranches may hunt year round with an exotic game license as  
78 provided in Code Section 27-2-23. There shall be no limit on the species or numbers of  
79 exotic game which such person may kill on an exotic game ranch.

80 27-3-183.

81 Health and transportation requirements for any exotic game must meet health requirements  
82 established by rule or regulation of the board and the Department of Agriculture. Those  
83 animals specifically used for exotic game ranching must meet the requirements of the  
84 Uniform Methods and Rules of the Code of Federal Regulations for Tuberculosis and  
85 Brucellosis in Cervidae.

86 27-3-184.

87 Any exotic game which escapes from a licensed exotic game ranch shall be subject to the  
88 jurisdiction of the department and may be treated as an escaped wild animal which is  
89 subject to the provisions of Chapter 5 of this title, except that, while such animal is roaming  
90 freely outside the enclosure of any licensed exotic game ranch, the owner of such exotic

91 game shall have 48 hours from the time the escape is detected to recapture such animal and  
92 return it to the licensed exotic game ranch. As a condition for maintaining an exotic game  
93 ranch license, it shall be the duty of the owner or operator of a licensed exotic game ranch  
94 to notify the department immediately upon discovery of the escape of exotic game. When  
95 such notice has been given, no legal hunter shall be held liable for killing or wounding  
96 escaped exotic game.

97 27-3-185.

98 Exotic game ranch operators shall allow the entry onto the exotic game ranch of  
99 representatives of the department, the Department of Agriculture, or other departments or  
100 agencies having authority or duties involving exotic game or wild animals to ensure  
101 compliance with applicable federal and state laws.

102 27-3-186.

103 The board is authorized to promulgate rules and regulations as may be necessary to  
104 effectuate the purpose of this article. Such rules and regulations shall be designed to ensure  
105 the health and safety of wildlife and prevent the spread of animal diseases between wildlife,  
106 wild animals, domestic animals, farmed exotic game, and people.

107 27-3-187.

108 In addition to the remedies provided in this article and notwithstanding the existence of any  
109 adequate remedy at law, the commissioner is authorized to apply to the superior court  
110 having jurisdiction for an injunction. Such court may, upon hearing and for good cause  
111 shown, grant a temporary or permanent injunction, or both, restraining any person from  
112 violating or continuing to violate any of the provisions of this article or for failing or  
113 refusing to comply with the requirements of this article or any rule or regulation adopted  
114 by the board pursuant to this article. An injunction issued under this Code section shall not  
115 require a bond.

116 27-3-188.

117 (a) In order to enforce this article or any orders, rules, or regulations promulgated pursuant  
118 to this article, the commissioner may issue an administrative order imposing a penalty not  
119 to exceed \$1,000.00 for each violation whenever the commissioner, after a hearing,  
120 determines that any person has violated any provision of this article or any quarantines,  
121 orders, rules, or regulations promulgated pursuant to this article.

122 (b) The initial hearing and any administrative review thereof shall be conducted in  
123 accordance with the procedure for contested cases in Chapter 13 of Title 50, the 'Georgia

124 Administrative Procedure Act.' Any person who has exhausted all administrative remedies  
125 available and who is aggrieved or adversely affected by any final order or action of the  
126 commissioner shall have the right of judicial review thereof in accordance with Chapter 13  
127 of Title 50. All penalties recovered by the commissioner as provided for in this article shall  
128 be paid into the state treasury. The commissioner may file in the superior court of the  
129 county wherein the person under order resides or, if said person is a corporation, in the  
130 county wherein the corporation maintains its principal place of business or in the county  
131 wherein the violation occurred a certified copy of a final order of the commissioner or of  
132 a final order of the department affirmed upon appeal, whereupon said court shall render  
133 judgment in accordance therewith and notify the parties. Such judgment shall have the  
134 same effect, and all proceedings in relation thereto shall thereafter be the same, as though  
135 said judgment had been rendered in an action duly heard and determined by said court.  
136 The penalty prescribed in this Code section shall be concurrent, alternative, or cumulative  
137 with any and all other civil, criminal, or alternative rights, remedies, forfeitures, or  
138 penalties provided, allowed, or available to the commissioner with respect to any violation  
139 of this article and any quarantines, orders, rules, or regulations promulgated pursuant to this  
140 article.

141 27-3-189.

142 It shall be unlawful for any person intentionally to release exotic game from captivity or  
143 to import, transport, sell, transfer, or possess exotic game in such a manner as to cause its  
144 release or escape from captivity. If a person imports, transports, sells, transfers, or  
145 possesses exotic game in such a manner as to pose a reasonable possibility that such farmed  
146 exotic game may be released accidentally or escape from captivity, the department may  
147 revoke the license of such person.

148 27-3-190.

149 Any person violating the provisions of this article shall be guilty of a misdemeanor."

150 **SECTION 4.**

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