

SENATE SUBSTITUTE TO HB 155:

AS PASSED SENATE

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 authorize the use of suppressors on hunting firearms under certain circumstances; to
 3 provide for suspension of hunting privileges for persons who are convicted of hunting
 4 without landowner permission, hunting in an area that is closed to hunting, or hunting big
 5 game out of season or at night with a suppressor equipped firearm; to revise provisions
 6 concerning the licensing and operation of shooting preserves; to revise the definition of "pen
 7 raised game birds"; to change licensing requirements for shooting preserves; to create a
 8 lifetime shooting preserve license; to grant registered boat owners a three-day hunting and
 9 fishing license as part of the registration fee; to provide for an effective date; to repeal
 10 conflicting laws; and for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

13 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by
 14 revising Code Section 27-3-4, relating to legal weapons for hunting wildlife generally, as
 15 follows:

16 "27-3-4.

17 (a) It shall be unlawful to hunt wildlife with any weapon, except that:

18 (1) Longbows, recurve bows, crossbows, and compound bows may be used for taking
 19 small game, feral hogs, or big game. Arrows for hunting deer, bear, and feral hogs must
 20 be broadhead type;

21 (2) During primitive weapon hunts or primitive weapons seasons:

22 (A) Longbows, recurve bows, crossbows, compound bows, muzzleloading firearms of
 23 .44 caliber or larger, and muzzleloading shotguns of 20 gauge or larger loaded with
 24 single shot may be used; and

25 (B) Youth under 16 years of age may hunt deer with any firearm legal for hunting deer;

26 (3) Firearms for hunting deer, bear, and feral hogs are limited to 20 gauge shotguns or
 27 larger shotguns loaded with slugs or buckshot (except that no buckshot is permitted on

28 state wildlife management areas unless otherwise specified), muzzleloading firearms of
29 .44 caliber or larger, and center-fire firearms .22 caliber or larger; provided, however, that
30 firearms for hunting feral hogs, other than those weapons specified in this paragraph, may
31 be authorized by rule or regulation of the board. Bullets used in all center-fire rifles and
32 handguns must be of the expanding type;

33 (4) Weapons for hunting small game shall be limited to shotguns with shot shell size of
34 no greater than 3 1/2 inches in length with No. 2 lead shot or smaller or federally
35 approved nontoxic shot size of F or smaller shot, .22 caliber or smaller rimfire firearms,
36 air rifles, muzzleloading firearms, longbows, recurve bows, crossbows, and compound
37 bows; provided, however, that nothing contained in this paragraph shall permit the taking
38 of protected species;

39 (5)(A) For hunting deer, feral hogs, and bear, shotguns shall be limited to a capacity
40 of not more than five shells in the magazine and chamber combined. If a plug is
41 necessary to so limit the capacity, the plug shall be of one piece, incapable of being
42 removed through the loading end of the magazine.

43 (B) For hunting all other game animals, shotguns shall be limited to a capacity of not
44 more than three shells in the magazine and chamber combined. If a plug is necessary
45 to so limit the capacity, the plug shall be of one piece, incapable of being removed
46 through the loading end of the magazine;

47 (6) It shall be unlawful to hunt turkey with any weapons except shotguns using No. 2
48 shot or smaller, muzzleloading firearms, longbows, crossbows, recurve bows, or
49 compound bows. Any person taking turkey in violation of this paragraph shall be guilty
50 of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor,
51 except that a fine imposed for such violation shall not be less than \$250.00;

52 (7) Weapons for hunting alligators shall be limited to hand-held ropes or snares, snatch
53 hooks, harpoons, gigs, or arrows with restraining lines attached. Lawfully restrained
54 alligators may be killed with any caliber handgun or bangstick and shall be killed
55 immediately before transporting;

56 (8) There are no firearms restrictions for taking nongame animals or nongame birds; and

57 (9) ~~The use of silencers for hunting within this state is prohibited~~ Any firearm otherwise
58 authorized for use in the hunting or taking of game may be equipped with a suppressor,
59 provided that the user is authorized to possess such suppressor and he or she has
60 registered the suppressor in accordance with the dictates of the National Firearms Act,
61 68A Stat. 725 (26 U.S.C. Sections 5841-5862). For the purposes of this paragraph, the
62 term 'suppressor' means any device for quieting or diminishing the report of any portable
63 weapon such as a rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or
64 other device from which a shot, bullet, or projectile may be discharged by an explosive.

65 (b) The hunting privileges of any person who has been convicted of violating the
 66 provisions of this title or any rule or regulation promulgated pursuant thereto by hunting
 67 without landowner permission, hunting in an area that is closed for hunting, or by hunting
 68 big game out of season or at night with a firearm equipped with a suppressor shall be
 69 suspended for three years."

70 **SECTION 2.**

71 Said title is further amended by revising Article 4 of Chapter 3, relating to shooting
 72 preserves, as follows:

73 "ARTICLE 4

74 27-3-110.

75 (a) It shall be unlawful for any person to release pen raised game birds, except as provided
 76 in Code Section 27-2-14, unless the person has first obtained a commercial, ~~blanket~~
 77 ~~commercial~~, or private shooting preserve license as provided in Code Section 27-2-23.
 78 Such license shall be effective from April 1 through March 31 of the following year.

79 (b) An application for a shooting preserve license shall be submitted on a form furnished
 80 by the department and shall contain the following:

81 (1) The applicant's name and address;

82 (2) A detailed description of the proposed activities and operations on the shooting
 83 preserve;

84 (3) The location and description of the premises of the preserve; and

85 (4) Such other information as may be necessary in order for the department to evaluate
 86 the application properly.

87 (c) No shooting preserve license shall be issued unless the following conditions are met:

88 (1) The land to comprise the preserve must consist of not more than 1,000 acres and not
 89 less than 100 contiguous acres and must be owned or leased by the applicant. If the land
 90 is under lease to the applicant, the lease shall be for a term of not less than one year from
 91 the date of application, and ~~the~~ such lease shall be subject to inspection and approval by
 92 the department;

93 (2) The boundary lines of the premises must be marked by signs ~~located not more than~~
 94 ~~400 feet apart~~, indicating that they are the boundary line signs, ~~in letters not less than two~~
 95 ~~inches in height~~, and ~~shall further indicate~~ that the premises are posted as against
 96 trespassing; and

97 (3) ~~If the applicant intends to allow the shooting of bobwhite quail or ducks, or both, the~~
 98 ~~applicant must show that the preserve has or will have a minimum of 1,000 quail, if quail~~

99 are to be shot, or 200 ducks, if ducks are to be shot, or a minimum of 1,000 quail and 200
 100 ducks, if both quail and ducks are to be shot. Such birds must be on the preserve at the
 101 time of application, or the applicant must show that he has a binding contract for such
 102 number of birds, which birds shall be released before or during the season for hunting on
 103 the proposed shooting preserve. As a condition of holding a shooting preserve license
 104 issued pursuant to this Code section, the owner of the shooting preserve, or his or her
 105 lessee or agent, shall, prior to allowing any person to hunt on such shooting preserve:

106 (A) Confirm that such person has either completed a hunter education course as
 107 prescribed in Code Section 27-2-5; or

108 (B) Provide such person with hunter education instruction that, at minimum,
 109 demonstrates techniques for proper firearm handling, unloading, and safety.

110 27-3-111.

111 (a) It shall be unlawful to remove any pen raised game bird from a shooting preserve
 112 ~~unless the bird has a tag on it showing the date the bird was taken and the shooting preserve~~
 113 ~~license number~~ unless accompanied by the contact information of the preserve from which
 114 it was taken.

115 (b) It shall ~~also~~ be unlawful to release on a shooting preserve any mallard or black duck
 116 unless the such duck is a pen raised mallard or black duck.

117 (c) It shall ~~also~~ be unlawful for a licensee under this article to fail to maintain a complete
 118 record of all pen raised game birds propagated, released, or taken on the preserve or to fail
 119 to ~~furnish to allow~~ the department a ~~copy of the records within 60 days after the end of the~~
 120 ~~hunting season on the preserve~~ access to such records during all regular business hours.

121 (d) It shall ~~also~~ be unlawful for any such licensee to fail to notify the department within
 122 24 hours of the diagnosis of any epizootic disease of any pen raised game bird on the
 123 preserve, including unreleased stock.

124 27-3-112.

125 (a) It shall be unlawful to hunt pen raised game birds, other than ring-necked pheasants,
 126 on a shooting preserve except between October 1 and March 31 of the following year, and
 127 except from one-half hour before sunrise to sunset.

128 (b) It shall ~~also~~ be unlawful to exceed the daily or season bag limits prescribed by law or
 129 regulation for any game bird or game animal, provided that there shall be no bag limits for
 130 pen raised game birds.

131 (c) It shall ~~also~~ be unlawful to hunt on a shooting preserve any game bird or game animal
 132 except during the open season for such game bird or game animal as prescribed by law or
 133 regulation; provided, however, that it shall be lawful to hunt bobwhite quail between

134 October 1 and March 31 of the following year; provided, further, that it shall be lawful to
 135 hunt any other pen raised game bird between October 1 and March 31 of the following year
 136 when prior approval has been obtained from the department.

137 27-3-113.

138 It shall be unlawful for any person to propagate, possess, or release on any shooting
 139 preserve any ~~bird or wildlife or wild~~ animal except ~~bobwhite quail, chukar or red-legged~~
 140 ~~partridge, coturnix or Japanese quail, pheasant, mallard, and black duck~~ pen raised game
 141 birds unless the person has received prior written approval from the department.
 142 Importation of any ~~bird or wildlife or wild~~ animal for purposes of propagation, possession,
 143 or release on a shooting preserve shall be in conformance with the requirements of Article
 144 3 of this chapter regarding transportation of wildlife, the requirements of Code Section
 145 27-2-11 regarding game species, and the requirements of Chapter 5 of this title regarding
 146 wild animals.

147 27-3-114.

148 (a) Except as otherwise specifically provided, all wildlife laws and regulations shall be in
 149 full force and effect on shooting preserves licensed pursuant to this article. Specifically,
 150 hunting licenses shall be required of all persons hunting on such preserves; provided,
 151 however, that it shall be lawful for any resident or nonresident to hunt pen raised game
 152 birds ~~on~~ or fish in any private or state waters within the boundaries of such a preserve with
 153 a shooting preserve hunting license as provided in Code Section 27-2-23; ~~and provided,~~
 154 ~~further, that it shall be lawful for any person to hunt pen raised game birds without a~~
 155 ~~hunting license on a shooting preserve which possesses a valid blanket shooting preserve~~
 156 ~~license as provided in Code Section 27-2-23.~~

157 (b) The requirements of subsection (b) of Code Section 27-2-5 shall not apply to any
 158 person hunting pen raised game birds on a properly licensed shooting preserve, provided
 159 such person has received hunter education instruction that, at minimum, demonstrates
 160 techniques for proper firearm handling, unloading, and safety.

161 27-3-115.

162 (a) The department is authorized to make and enter into agreements with properly licensed
 163 shooting preserves for the purpose of issuance and sale of shooting preserve hunting
 164 licenses.

165 (b) Notwithstanding the provisions of subsection (b) of Code Section 27-2-5, a shooting
 166 preserve authorized by the department pursuant to subsection (a) of this Code section may
 167 sell shooting preserve hunting licenses so long as such shooting preserve meets the

168 requirements of subsection (c) of Code Section 27-3-110. The department may authorize
 169 a shooting preserve to issue temporary paper copies of shooting preserve hunting licenses
 170 to be used on such shooting preserve for one hunting season. Such paper copy shall satisfy
 171 the requirements of Code Section 27-2-1.

172 (c) Notwithstanding any other law to the contrary, the department shall not disclose any
 173 shooting preserve hunting license record which was lawfully purchased from a properly
 174 licensed shooting preserve and which reveals the name, home address, home telephone
 175 number, or social security number of the license holder unless written consent from the
 176 owner or lessee of such shooting preserve is obtained."

177 **SECTION 3.**

178 Said title is further amended in Code Section 27-1-2, relating to definitions relative to game
 179 and fish, by revising paragraph (48) as follows:

180 "(48) 'Pen raised game ~~birds~~ bird' means ~~game birds~~ any bobwhite quail, chukar or
 181 red-legged partridge, coturnix or Japanese quail, ring-necked pheasant, mallard duck, or
 182 black duck which ~~are~~ is raised in captivity and ~~are~~ is more than two generations removed
 183 from the wild."

184 **SECTION 4.**

185 Said title is further amended in Code Section 27-2-3.1, relating to hunting and sportsman's
 186 licenses, by revising paragraph (1) of subsection (f) as follows:

187 "(f)(1) Lifetime sportsman's licenses and fees for residents shall be as follows:
 188 (A) Type I (Infant), available only to those individuals under two years of age:
 189 \$200.00;
 190 (B) Type Y (Youth), available only to those individuals from two through 15 years of
 191 age: \$350.00;
 192 (C) Type A (Adult), available to those individuals 16 years of age or older: \$500.00;
 193 (D) Type SD (Senior Discount), available to those individuals 60 years of age or older:
 194 \$95.00;
 195 (E) Type S (Senior), available to those individuals 65 years of age or older: no charge;
 196 ~~and~~
 197 (F) Type V (Veterans), available only to those individuals who served more than 90
 198 days of federal active duty military service and were honorably discharged: ~~eighty~~ 80
 199 percent of the amount of the fee specified for Type A lifetime sportsman's licenses in
 200 subparagraph (C) of this paragraph; ~~and~~

201 (G) Type SP (Shooting Preserve), available to any individual, resident or nonresident,
202 and which entitles the holder to hunt pen raised game birds and fish in any private or
203 state waters within the boundaries of a properly licensed shooting preserve: \$75.00."

204 **SECTION 5.**

205 Said title is further amended in Code Section 27-2-23, relating to license, permit, tag, and
206 stamp fees, by repealing subparagraph (I) of paragraph (8) and designating said subparagraph
207 as reserved.

208 **SECTION 6.**

209 Said title is further amended in Code Section 27-2-1, relating to general license requirements
210 for hunting, trapping, and fishing, by revising subsection (b) as follows:

211 "(b) It shall be unlawful for any resident of this state who has attained the age of 16 years
212 to hunt, fish in the waters of this state, or trap without a valid hunting license, fishing
213 license, or trapping license, respectively, as provided in Code Section 27-2-23, except on
214 premises owned by him or her or his or her immediate family; provided, however, that the
215 resident owner of any vessel with a valid registration in accordance with Code Section
216 52-7-5 shall have, as part of the registration fee for such vessel, a paid three-day resident
217 hunting and fishing license that begins on such owner's date of birth and extends two
218 consecutive days thereafter in accordance with the requirements of this title and as
219 otherwise specified by the department. It shall be unlawful for any resident of this state to
220 hunt, fish, or trap in this state without carrying such license upon his or her person, except
221 on premises owned by him or her or his or her immediate family and except when
222 otherwise specifically directed by authorized personnel of the department."

223 **SECTION 7.**

224 This Act shall become effective on July 1, 2013.

225 **SECTION 8.**

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