

House Bill 783 (AS PASSED HOUSE AND SENATE)

By: Representatives Hitchens of the 161st, Burns of the 159th, Knight of the 130th, Pruett of the 149th, Strickland of the 111th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 27 and Chapter 7 of Title 52 of the Official Code of Georgia Annotated,
2 relating to game and fish and to waters of the state, ports, and watercraft, respectively, so as
3 to update provisions relating to rules and regulations used to establish criminal violations;
4 to revise provisions relating to the implied consent warning for hunting under the influence
5 cases; to provide for related matters; to provide for an effective date and applicability; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by
10 revising Code Section 27-1-39, relating to rules and regulations used to establish criminal
11 violations, as follows:

12 "27-1-39.

13 Notwithstanding any other law to the contrary, for purposes of establishing criminal
14 violations of the rules and regulations promulgated by the Board of Natural Resources as
15 provided in this title, the term 'rules and regulations' means those rules and regulations of
16 the Board of Natural Resources in force and effect on ~~February 5, 2013~~ January 1, 2014."

17 **SECTION 2.**

18 Said title is further amended by revising paragraph (2) of subsection (g) of Code Section
19 27-3-7, relating to hunting under the influence of alcohol or drugs, as follows:

20 "(2) At the time a chemical test or tests are requested, the arresting officer shall read to
21 the person the following implied consent warning:

22 'Georgia law requires you to submit to state administered chemical tests of your blood,
23 breath, urine, or other bodily substances for the purpose of determining if you are under
24 the influence of alcohol or drugs. If you refuse this testing and you are convicted of
25 hunting while under the influence of alcohol or drugs, your privilege to hunt in this

26 state will be suspended for a period of two years. Your refusal to submit to the required
 27 testing may be offered into evidence against you at trial. If you submit to testing and
 28 the results indicate an alcohol concentration of 0.08 grams or more ~~or the presence of~~
 29 ~~any illegal drug~~ and if you are subsequently convicted of hunting under the influence
 30 of alcohol by having an alcohol concentration of 0.08 grams or more at any time within
 31 three hours after hunting from alcohol consumed before such hunting ended, your
 32 privilege to hunt in this state ~~may~~ will be suspended for a ~~minimum~~ period of one year.
 33 After first submitting to the required state tests, you are entitled to additional chemical
 34 tests of your blood, breath, urine, or other bodily substances at your own expense and
 35 from qualified personnel of your own choosing. Will you submit to the state
 36 administered chemical tests of your (designate which tests) under the implied consent
 37 law?"

38 **SECTION 3.**

39 Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, ports, and
 40 watercraft, is amended by revising Code Section 52-7-26, relating to penalty for violations
 41 relative to registration, operation, and sale of watercraft generally, as follows:

42 "52-7-26.

43 Except as otherwise provided in this article, any person who violates this article or any rule
 44 or regulation promulgated hereunder shall be guilty of a misdemeanor. For purposes of
 45 establishing criminal violations of the rules and regulations promulgated by the Board of
 46 Natural Resources as provided in this article, the term 'rules and regulations' means those
 47 rules and regulations of the Board of Natural Resources in force and effect on ~~February 5,~~
 48 ~~2013~~ January 1, 2014."

49 **SECTION 4.**

50 Said title is further amended by revising subsection (a) of Code Section 52-7-51, relating to
 51 penalty for violations relative to display of watercraft information, as follows:

52 "(a) Any person who violates this article or any rules and regulations issued hereunder
 53 shall be guilty of a misdemeanor. For purposes of establishing criminal violations of the
 54 rules and regulations promulgated by the Board of Natural Resources as provided in this
 55 article, the term 'rules and regulations' means those rules and regulations of the Board of
 56 Natural Resources in force and effect on ~~February 5, 2013~~ January 1, 2014."

57 **SECTION 5.**

58 This Act shall become effective on May 1, 2014, and shall apply to offenses occurring on or
 59 after such date.

60

SECTION 6.

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