

House Bill 475

By: Representatives McCall of the 33rd, Burns of the 159th, Meadows of the 5th, England of the 116th, Harden of the 148th, and others

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 revise provisions relating to the hunting of feral hogs; to revise definitions; to allow for
3 the taking of feral hogs without a hunting license; to remove additional restrictions on the
4 hunting of feral hogs; to provide for related matters; to repeal conflicting laws; and for other
5 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 in
9 Code Section 27-1-2, relating to general definitions, by revising paragraphs (28) and (39) as
10 follows:

11 "(28) 'Feral hog' means any hog which is ~~normally considered domestic but which is~~
12 living in a wild state and cannot be claimed in private ownership. Feral hogs shall not be
13 considered wildlife or wild animals."

14 "(39) 'Hunting' means pursuing, shooting, killing, taking, or capturing wildlife ~~or feral~~
15 ~~hogs~~. This term also includes acts such as placing, setting, drawing, or using any device
16 used to take wildlife ~~or feral hogs~~, whether any such act results in taking or not, and
17 includes every act of assistance to any person in taking or attempting to take such wildlife
18 ~~or feral hogs.~~"

19 **SECTION 2.**

20 Said title is further amended by revising Code Section 27-2-1, relating to hunting, trapping,
21 or fishing without a license or permit, as follows:

22 "27-2-1.

23 (a) It shall be unlawful for any person to hunt, fish, trap, or possess any wildlife ~~or feral~~
24 ~~hog~~ without first procuring all of the licenses, stamps, or permits required or authorized
25 under this title.

26 (b) It shall be unlawful for any resident of this state who has attained the age of 16 years
 27 to hunt, fish in the waters of this state, or trap without a valid hunting license, fishing
 28 license, or trapping license, respectively, as provided in Code Section 27-2-23, except on
 29 premises owned by him or her or his or her immediate family or leased by him or her or
 30 his or her immediate family and used primarily for raising or harvesting crops other than
 31 timber or for containing livestock or poultry; provided, however, that the resident owner
 32 of any vessel with a valid registration in accordance with Code Section 52-7-5 shall have,
 33 as part of the registration fee for such vessel, a paid three-day resident hunting and fishing
 34 license that begins on such owner's date of birth and extends two consecutive days
 35 thereafter in accordance with the requirements of this title and as otherwise specified by
 36 the department. It shall be unlawful for any resident of this state to hunt, fish, or trap in
 37 this state without carrying such license upon his or her person, except on premises owned
 38 by him or her or his or her immediate family and except when otherwise specifically
 39 directed by authorized personnel of the department.

40 (c) It shall be unlawful for any person not a resident of Georgia who has attained the age
 41 of 16 years to hunt, fish in the waters of this state, or trap in this state without a valid
 42 nonresident hunting, fishing, or trapping license, respectively, as provided in Code Section
 43 27-2-23, except as otherwise specifically provided by law and interstate agreements. It
 44 shall be unlawful for any nonresident to hunt, fish in the waters of this state, or trap without
 45 carrying such license on his or her person, unless otherwise specifically directed by
 46 authorized personnel of the department.

47 (d) Notwithstanding the provisions of subsections (b) and (c) of this Code section, no
 48 license shall be required to fish with permission of the owner from noncommercial
 49 premises not open to the public, including docks and foreshores of such premises, or at a
 50 facility or on a charter boat licensed pursuant to the provisions of Code Section 27-2-23.2."

51 **SECTION 3.**

52 Said title is further amended by revising Code Section 27-2-31, relating to wildlife control
 53 permits, as follows:

54 "27-2-31.

55 (a) The department is authorized to issue wildlife control permits authorizing the permittee
 56 to trap, transport and release, or kill wildlife ~~and feral hogs~~ where such action is otherwise
 57 prohibited by law or regulation:

58 (1) When the department determines that there is a substantial likelihood the presence
 59 of such wildlife ~~or feral hogs~~ will endanger or cause injury to persons or will destroy or
 60 damage agricultural crops, domestic animals, buildings, structures, or other personal
 61 property;

62 (2) For the control of white-tailed deer on airport property; provided, however, that
 63 permits shall be issued under this paragraph for purposes of public safety, and the control
 64 of white-tailed deer for other purposes and the removal of black bear shall be as provided
 65 in Code Sections 27-2-18 and 27-3-21, respectively; and

66 (3) For fur-bearing animals, as defined in paragraph (31) of Code Section 27-1-2, to
 67 implement a bona fide wildlife management plan that has been approved by the
 68 department; ~~and~~

69 ~~(4) For feral hogs, provided that:~~

70 ~~(A) All permitted activities must comply with all rules and regulations of the~~
 71 ~~Department of Agriculture; and~~

72 ~~(B)(i) No person shall release any trapped or transported feral hog into any area that~~
 73 ~~is not fenced to prevent the escape of such feral hog onto the land of another.~~

74 ~~(ii) Any person who violates division (i) of this subparagraph shall, upon conviction~~
 75 ~~thereof, be guilty of a misdemeanor of a high and aggravated nature and shall be~~
 76 ~~punished as provided by Code Section 17-10-4; provided, however, that if a fine is~~
 77 ~~imposed pursuant to such Code section, such fine shall be not less than \$1,500.00.~~

78 ~~(iii) Any license or permit previously issued under this title to any person convicted~~
 79 ~~of violating division (i) of this subparagraph shall by operation of law be revoked and~~
 80 ~~shall not be reissued for a period of three years after the date of such conviction. The~~
 81 ~~licensee or permit holder shall be notified of the revocation personally or by a letter~~
 82 ~~sent by certified mail or statutory overnight delivery to the name and address~~
 83 ~~indicated on the application for the license or permit, or both, or to the Secretary of~~
 84 ~~State as provided in Code Section 27-2-24.~~

85 (b) In issuing a wildlife control permit, the department shall prescribe the method, means,
 86 species, numbers, time limits, location, and any other conditions it deems necessary to
 87 ensure the continued viability of the wildlife population involved and to ensure that the
 88 public safety and interest are not compromised.

89 (c) Nothing in this Code section shall be construed to authorize the taking of any species
 90 which is protected by the federal Endangered Species Act of 1973, Public Law 93-205, as
 91 amended, or under any state law or regulation which has as its purpose the protection of
 92 endangered or threatened species."

93 **SECTION 4.**

94 Said title is further amended by revising Code Section 27-3-4, relating to legal weapons for
 95 hunting, as follows:

96 "27-3-4.

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

- 98 (1) Longbows, recurve bows, crossbows, and compound bows may be used for taking
99 small game, ~~feral hogs~~, or big game. Arrows for hunting deer, and bear, ~~and feral hogs~~
100 must be broadhead type;
- 101 (2) During primitive weapon hunts or primitive weapons seasons:
- 102 (A) Longbows, recurve bows, crossbows, compound bows, muzzleloading firearms of
103 .44 caliber or larger, and muzzleloading shotguns of 20 gauge or larger loaded with
104 single shot may be used; and
- 105 (B) Youth under 16 years of age may hunt deer with any firearm legal for hunting deer;
- 106 (3) Firearms for hunting deer, and bear, ~~and feral hogs~~ are limited to 20 gauge shotguns
107 or larger shotguns loaded with slugs or buckshot (except that no buckshot is permitted on
108 state wildlife management areas unless otherwise specified), muzzleloading firearms of
109 .44 caliber or larger, and ~~center-fire~~ firearms ~~.22 .17~~ caliber or larger; ~~provided, however,~~
110 ~~that firearms for hunting feral hogs, other than those weapons specified in this paragraph,~~
111 ~~may be authorized by rule or regulation of the board.~~ Bullets used in all center-fire rifles
112 and handguns must be of the expanding type;
- 113 (4) Weapons for hunting small game shall be limited to shotguns with shot shell size of
114 no greater than 3 1/2 inches in length with No. 2 lead shot or smaller or federally
115 approved nontoxic shot size of F or smaller shot, .22 caliber or smaller rimfire firearms,
116 air rifles, muzzleloading firearms, longbows, recurve bows, crossbows, and compound
117 bows; provided, however, that in addition to the weapons listed in this paragraph, any
118 center-fire firearm of .17 caliber or larger may be used for hunting fox and bobcat.
119 Nothing contained in this paragraph shall permit the taking of protected species;
- 120 (5)(A) For hunting deer, ~~feral hogs~~, and bear, shotguns shall be limited to a capacity
121 of not more than five shells in the magazine and chamber combined. If a plug is
122 necessary to so limit the capacity, the plug shall be of one piece, incapable of being
123 removed through the loading end of the magazine.
- 124 (B) For hunting all other game animals, shotguns shall be limited to a capacity of not
125 more than three shells in the magazine and chamber combined. If a plug is necessary
126 to so limit the capacity, the plug shall be of one piece, incapable of being removed
127 through the loading end of the magazine;
- 128 (6) It shall be unlawful to hunt turkey with any weapons except shotguns using No. 2
129 shot or smaller, muzzleloading firearms, longbows, crossbows, recurve bows, or
130 compound bows. Any person taking turkey in violation of this paragraph shall be guilty
131 of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor,
132 except that a fine imposed for such violation shall not be less than \$250.00;
- 133 (7) Weapons for hunting alligators shall be limited to hand-held ropes or snares, snatch
134 hooks, harpoons, gigs, or arrows with restraining lines attached. Lawfully restrained

135 alligators may be killed with any caliber handgun or bangstick and shall be killed
136 immediately before transporting;

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

138 (9) The use of silencers or suppressors for hunting within this state is prohibited;
139 provided, however, that a silencer or suppressor may be used for hunting on the private
140 property of the person using such silencer or suppressor, on private property for which
141 the owner of such property has provided verifiable permission to the person using such
142 silencer or suppressor, and on public lands in areas designated by the department.

143 (b)(1) It shall be illegal to use a silencer or suppressor for hunting in violation of
144 paragraph (9) of subsection (a) of this Code section. A person who violates the
145 provisions of this paragraph shall be guilty of a misdemeanor.

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

151 **SECTION 5.**

152 Said title is further amended by revising Code Section 27-3-24, relating to restrictions on
153 hunting feral hogs, as follows:

154 "27-3-24.

155 (a) It shall be lawful to hunt, pursue, shoot, kill, take, or capture feral hogs in any manner
156 unless otherwise provided in this Code section. It shall be unlawful to hunt, pursue, shoot,
157 kill, take, or capture or engage in the hunting, pursuing, shooting, killing, taking, or
158 capturing of, feral hogs:

159 (1) Upon the lands of another or enter upon the lands of another in pursuit of feral hogs
160 without first obtaining permission from the landowner or lessee of such land or the lessee
161 of the game rights of such land;

162 (2) Upon any land which is posted without having the permission required by paragraph
163 (1) of this subsection in writing and carried upon the person; or

164 ~~(3) Reserved;~~

165 ~~(4) From within a vehicle or while riding on a vehicle at night and with the use of a light;~~

166 ~~(5) At night with a light, except that a light which is carried on the person of a hunter,~~
167 ~~affixed to a helmet or hat worn by a hunter, or part of a belt system worn by a hunter may~~
168 ~~be used for locating feral hogs; or~~

169 ~~(6)~~(3) During the firearms deer season unless the hunter and each person accompanying
170 the hunter are wearing a total of at least 500 square inches of daylight fluorescent orange

171 material as an outer garment and such material or garment is worn above the waistline,
172 and may include a head covering.

173 (a.1)(1) The board may by rule or regulation restrict the feeding, baiting, or hunting of
174 feral hogs upon, over, around, or near feed or bait in any county wherein there is a
175 documented occurrence of a communicable disease in deer and in any county adjoining
176 such county. Such restriction may be imposed in such county and any adjoining county
177 for a period of up to and including one year and may be extended for additional periods
178 of up to and including two years each upon documentation that the communicable disease
179 is still present in deer in such county. No person shall feed, bait, or hunt feral hogs in
180 violation of any restriction imposed pursuant to this paragraph.

181 (2) The department shall give notice of such restriction by mail or electronic means to
182 each person holding a current license to hunt whose last known address is within a
183 restricted county. The department may place or designate the placement of signs and
184 markers so as to give notice of such restriction.

185 (a.2) It shall be unlawful for any person to place, expose, deposit, distribute, or scatter any
186 corn, wheat, or other grains, salts, apples, or other feed or bait so as to constitute a lure,
187 attraction, or enticement for feral hogs within 50 yards of any property ownership
188 boundary.

189 (b)(1) It shall be unlawful to release any trapped or transported feral hog into any area
190 that is not fenced to prevent the escape of such feral hog onto the land of another.

191 (2) Any person who violates paragraph (1) of this subsection shall, upon conviction
192 thereof, be guilty of a misdemeanor of a high and aggravated nature and shall be punished
193 as provided by Code Section 17-10-4; provided, however, that if a fine is imposed
194 pursuant to such Code section, such fine shall be not less than \$1,500.00.

195 (c) The Board of Natural Resources is authorized by rules or regulations to control and
196 regulate the hunting or taking of feral hogs on wildlife management areas."

197 **SECTION 6.**

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