

The House Committee on Game, Fish and Parks offers the following substitute to SB 450:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 27-3-9 of the Official Code of Georgia Annotated, relating to
2 unlawful enticement of game, so as to remove definitions relating to unlawful enticement of
3 game and hunting in the vicinity of feed or bait; to remove certain prohibitions; to modify
4 certain prohibitions; to modify provisions regarding communicable disease in deer; to amend
5 Code Section 27-3-24 of the Official Code of Georgia Annotated, relating to restrictions on
6 hunting feral hogs, so as to modify certain prohibitions; to amend Code Section 27-3-151 of
7 the Official Code of Georgia Annotated, relating to activity prohibited regarding interference
8 with lawful taking of game, so as to modify the mens rea requirement; to provide for related
9 matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Code Section 27-3-9 of the Official Code of Georgia Annotated, relating to unlawful
13 enticement of game, is amended by revising subsections (a), (a.1), and (a.2) and paragraph
14 (3) of subsection (b) of said Code section as follows:

15 "27-3-9.

16 (a) ~~As used in this Code section, the term:~~

17 (1) ~~'Northern zone' means the northern zone for hunting deer with firearms as established~~
18 ~~pursuant to subsection (c) of Code Section 27-3-15.~~

19 (2) ~~'Southern zone' means the southern zone for hunting deer with firearms as established~~
20 ~~pursuant to subsection (c) of Code Section 27-3-15.~~

21 (a.1) It shall be unlawful for any person to place, expose, deposit, distribute, or scatter any
22 corn, wheat, or other grains, salts, apples, or other feeds or bait so as to constitute a lure or
23 attraction or enticement for any game bird or game animal on or over any area where
24 hunters are or will be hunting.

25 ~~(a.2)~~ (a.1)(1) Nothing in ~~subsection (a.1)~~ of this Code section shall prohibit any person
 26 from placing, exposing, depositing, distributing, or scattering, more than 50 yards from
 27 any property ownership boundary unless otherwise agreed to by adjoining property
 28 owners, any corn, wheat, or other grains, salts, apples, or other feeds or bait so as to
 29 constitute a lure or attraction or enticement for deer on lands that are not under the
 30 ownership or control and management of the state or federal government; provided,
 31 however, that any such lure or attraction or enticement shall not be placed, exposed,
 32 deposited, distributed, or scattered so as to cause hunting on any adjoining property to be
 33 prohibited under ~~subsection (b) of this Code section~~ any applicable law.

34 (2) When a conservation ranger is aware or becomes aware that a clearly identifiable
 35 area of land or field is baited for deer in such a manner that hunting thereon would be a
 36 violation of paragraph (1) of this subsection, the conservation ranger may require the
 37 owner or other person having lawful possession or control of the baited area of land or
 38 field to remove such bait. The owner or other person having lawful possession or control
 39 of an area or field baited for deer who fails to comply with an order of a conservation
 40 ranger requiring the removal of bait as required by this subsection shall be guilty of a
 41 misdemeanor. When a conservation ranger is aware that a clearly identifiable area of
 42 land or field is baited for deer in such a manner that hunting thereon would be a violation
 43 of paragraph (1) of this subsection prior to any such violation, no charge may be brought
 44 against any person under paragraph (1) of this subsection unless the provisions of this
 45 subsection have been followed. Nothing in this subsection shall be construed to preclude
 46 the owner or other person having lawful possession or control of a baited area or field
 47 from being charged with and convicted of a violation of paragraph (1) of this subsection.
 48 Nothing in this subsection shall be construed to preclude a person's being charged with
 49 and convicted of a violation of paragraph (1) of this subsection when such violation is on
 50 an area of land or field baited for deer which was not previously identified by a
 51 conservation ranger as provided in this subsection prior to such violation."

52 "(3)(A) The board may by rule or regulation restrict the feeding, baiting, or hunting of
 53 deer upon, over, around, or near such feed or bait in any county wherein there is a
 54 documented occurrence of a communicable disease in deer and in any county adjoining
 55 such county. Such restriction may be imposed in such county and any adjoining county
 56 for a period of up to and including one year and may be extended for additional periods
 57 of up to and including two years each upon documentation that the communicable
 58 disease is still present ~~in deer~~ in such county. No person shall feed, bait, or hunt deer
 59 in violation of any restriction imposed pursuant to this paragraph.

60 (B) The department shall give notice of such restriction by mail or electronic means
 61 to each person holding a current license to hunt whose last known address is within a

62 restricted county, and the department shall give notice of such restriction by electronic
 63 means to all other persons holding a current license to hunt. The department may place
 64 or designate the placement of signs and markers so as to give notice of such restriction.
 65 (C) This Code section shall not waive any liability of any individual regarding the
 66 spread of any communicable disease."

67 SECTION 2.

68 Code Section 27-3-24 of the Official Code of Georgia Annotated, relating to restrictions on
 69 hunting feral hogs, is amended by adding a new paragraph (3) to subsection (a.1) and by
 70 revising subsection (a.2) as follows:

71 "(3) This Code section shall not waive any liability of any individual regarding the spread
 72 of any communicable disease."

73 "(a.2)(1) It shall be unlawful for any person to place, expose, deposit, distribute, or scatter
 74 any corn, wheat, or other grains, salts, apples, or other feed or bait so as to constitute a
 75 lure, attraction, or enticement for feral hogs within 50 yards of any property ownership
 76 boundary unless otherwise agreed to by adjoining property owners.

77 (2) Any lure or attraction or enticement authorized by paragraph (1) of this subsection
 78 shall not be placed, exposed, deposited, distributed, or scattered so as to cause hunting
 79 on any adjoining property to be prohibited under any applicable law.

80 (3) When a conservation ranger is aware or becomes aware that a clearly identifiable
 81 area of land or field is baited for feral hogs in such a manner that hunting thereon would
 82 be a violation of this subsection, the conservation ranger may require the owner or other
 83 person having lawful possession or control of the baited area of land or field to remove
 84 such bait. The owner or other person having lawful possession or control of an area or
 85 field baited for feral hogs who fails to comply with an order of a conservation ranger
 86 requiring the removal of bait as required by this subsection shall be guilty of a
 87 misdemeanor. When a conservation ranger is aware that a clearly identifiable area of
 88 land or field is baited for feral hogs in such a manner that hunting thereon would be a
 89 violation of this subsection prior to any such violation, no charge may be brought against
 90 any person under this subsection unless the provisions of this subsection have been
 91 followed. Nothing in this subsection shall be construed to preclude the owner or other
 92 person having lawful possession or control of a baited area or field from being charged
 93 with and convicted of a violation of this subsection. Nothing in this subsection shall be
 94 construed to preclude a person's being charged with and convicted of a violation of this
 95 subsection when such violation is on an area of land or field baited for feral hogs which
 96 was not previously identified by a conservation ranger as provided in this subsection prior
 97 to such violation."

98

SECTION 3.

99 Code Section 27-3-151 of the Official Code of Georgia Annotated, relating to activity
100 prohibited regarding interference with lawful taking of game, is amended by revising
101 paragraphs (1) and (2) of subsection (a) as follows:

102 "(1) Interfere with the lawful taking of wildlife by another person by ~~intentionally~~
103 ~~recklessly~~ preventing or attempting to prevent such person from such lawful taking of
104 wildlife;

105 (2) ~~Disturb~~ Recklessly disturb or engage in activity tending to disturb wildlife ~~for the~~
106 ~~purpose of intentionally preventing or attempting so as to prevent or attempt to prevent~~
107 the lawful taking of such wildlife; or"

108

SECTION 4.

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