

House Bill 998

By: Representatives Rhodes of the 120<sup>th</sup>, Buckner of the 137<sup>th</sup>, Corbett of the 174<sup>th</sup>, McCall of the 33<sup>rd</sup>, and Tarvin of the 2<sup>nd</sup>

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 change the effective date of rules and regulations promulgated by the Board of Natural  
3 Resources; to revise the implied consent warning for hunting under the influence; to amend  
4 Code Section 52-7-12.5 of the Official Code of Georgia Annotated, relating to ordering drug,  
5 alcohol, or other substance tests and implied consent notice relative to operation of  
6 watercraft, so as to revise the implied consent warning; to amend Article 3 of Chapter 3 of  
7 Title 50 of the Official Code of Georgia Annotated, relating to other state symbols, so as to  
8 designate the shoal bass as the official Georgia state riverine sport fish; to provide for  
9 legislative findings; to provide for related matters; to repeal conflicting laws; and for other  
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**

**SECTION 1-1.**

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

17 "27-1-39.

18 Notwithstanding any other law to the contrary, for purposes of establishing criminal  
19 violations of the rules and regulations promulgated by the Board of Natural Resources as  
20 provided in this title, the term 'rules and regulations' means those rules and regulations of  
21 the Board of Natural Resources in force and effect on January 1, ~~2019~~ 2020."

**SECTION 1-2.**

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

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

27 "The State of Georgia has conditioned your license to hunt in this state upon your  
28 submission to state administered chemical tests of your blood, breath, urine, or other  
29 bodily substances for the purpose of determining if you are under the influence of  
30 alcohol or drugs. If you refuse this testing and you are convicted of hunting while  
31 under the influence of alcohol or drugs, your ability to lawfully hunt in this state will  
32 be suspended for a period of two years. Your refusal to submit to blood or urine testing  
33 may be offered into evidence against you at trial. If you submit to testing and the  
34 results indicate an alcohol concentration of 0.08 grams or more and if you are  
35 subsequently convicted of hunting under the influence of alcohol by having an alcohol  
36 concentration of 0.08 grams or more at any time within three hours after hunting from  
37 alcohol consumed before such hunting ended, your ability to lawfully hunt in this state  
38 will be suspended for a period of one year. After first submitting to the ~~required~~  
39 requested state tests, you are entitled to additional chemical tests of your blood, breath,  
40 urine, or other bodily substances at your own expense and from qualified personnel of  
41 your own choosing. Will you submit to the state administered chemical tests of your  
42 (designate which test)?"

43 **SECTION 1-3.**

44 Code Section 52-7-12.5 of the Official Code of Georgia Annotated, relating to ordering drug,  
45 alcohol, or other substance tests and implied consent notice relative to operation of  
46 watercraft, is amended by revising subsection (b) as follows:

47 "(b) At the time a chemical test or tests are requested, the arresting officer shall select and  
48 read to the person the appropriate implied consent warning from the following:

49 (1) Implied consent notice for suspects under 21 years of age:

50 "The State of Georgia has conditioned your privilege to operate a vessel on the waters  
51 of this state upon your submission to state administered chemical tests of your blood,  
52 breath, urine, or other bodily substances for the purpose of determining if you are under  
53 the influence of alcohol or drugs. If you refuse this testing, your privilege to operate  
54 a vessel on the waters of this state will be suspended for a minimum period of one year.  
55 Your refusal to submit to blood or urine testing may be offered into evidence against  
56 you at trial. If you submit to testing and the results indicate an alcohol concentration  
57 of 0.02 grams or more or the presence of any illegal drug, your privilege to operate a  
58 vessel on the waters of this state may be suspended for a minimum period of one year.  
59 After first submitting to the ~~required~~ requested state tests, you are entitled to additional  
60 chemical tests of your blood, breath, urine, or other bodily substances at your own

61 expense and from qualified personnel of your own choosing. Will you submit to the  
62 state administered chemical tests of your (designate which test)?'; or

63 (2) Implied consent notice for suspects 21 years of age or older:

64 'The State of Georgia has conditioned your privilege to operate a vessel on the waters  
65 of this state upon your submission to state administered chemical tests of your blood,  
66 breath, urine, or other bodily substances for the purpose of determining if you are under  
67 the influence of alcohol or drugs. If you refuse this testing, your privilege to operate  
68 a vessel on the waters of this state will be suspended for a minimum period of one year.  
69 Your refusal to submit to blood or urine testing may be offered into evidence against  
70 you at trial. If you submit to testing and the results indicate an alcohol concentration  
71 of 0.08 grams or more or the presence of any illegal drug, your privilege to operate a  
72 vessel on the waters of this state may be suspended for a minimum period of one year.  
73 After first submitting to the ~~required~~ requested state tests, you are entitled to additional  
74 chemical tests of your blood, breath, urine, or other bodily substances at your own  
75 expense and from qualified personnel of your own choosing. Will you submit to the  
76 state administered chemical tests of your (designate which test)?'

77 If any such notice is used by a law enforcement officer to advise a person of his or her  
78 rights regarding the administration of chemical testing, such person shall be deemed to  
79 have been properly advised of his or her rights under this Code section and under Code  
80 Section 52-7-12.6, and the results of any chemical test, or the refusal to submit to a test  
81 of such person's blood or urine, shall be admitted into evidence against such person.  
82 Such notice shall be read in its entirety but need not be read exactly so long as the  
83 substance of the notice remains unchanged."

84 **PART II**  
85 **SECTION 2-1.**

86 The General Assembly finds that:

- 87 (1) The shoal bass has unique sporting qualities; occurs in abundance in the Flint,  
88 Chattahoochee, and Ocmulgee rivers; and is dependent upon clean, flowing water;
- 89 (2) This unique native riverine sport fish moves dozens, and at times hundreds, of miles  
90 to complete its spawning and other life stages and is therefore dependent upon long,  
91 unobstructed segments of Georgia's rivers, in addition to high-quality shoal habitats; and
- 92 (3) Both the hard rock formations of Georgia's piedmont region and the lime rock  
93 formations of Georgia's coastal plain are important to the shoal bass, and important  
94 fishing and tourist economies are structured around this unique native riverine sport fish.

95 **SECTION 2-2.**

96 Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to other  
97 state symbols, is amended by adding a new Code section to read as follows:

98 "50-3-89.

99 The shoal bass (*Micropterus cataractae*) is designated as the official Georgia state riverine  
100 sport fish."

101 **PART III**102 **SECTION 3-1.**

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