

House Bill 998 (COMMITTEE SUBSTITUTE)

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 amend Code Section 27-3-15, relating to hunting seasons and bag  
10 limits, so as to provide for the department to prescribe property-specific bag limits for  
11 properties enrolled in the deer management assistance program; to provide for related  
12 matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**PART I**  
15 style="text-align:center">**SECTION 1-1.**

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

19 "27-1-39.

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

24 **SECTION 1-2.**

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

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

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

45 **SECTION 1-3.**

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

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

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

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

60 vessel on the waters of this state may be suspended for a minimum period of one year.  
 61 After first submitting to the ~~required~~ requested state tests, you are entitled to additional  
 62 chemical tests of your blood, breath, urine, or other bodily substances at your own  
 63 expense and from qualified personnel of your own choosing. Will you submit to the  
 64 state administered chemical tests of your (designate which test)?'; or

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

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

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

86 **PART II**

87 **SECTION 2-1.**

88 The General Assembly finds that:

89 (1) The shoal bass has unique sporting qualities; occurs in abundance in the Flint,  
 90 Chattahoochee, and Ocmulgee rivers; and is dependent upon clean, flowing water;

91 (2) This unique native riverine sport fish moves dozens, and at times hundreds, of miles  
 92 to complete its spawning and other life stages and is therefore dependent upon long,  
 93 unobstructed segments of Georgia's rivers, in addition to high-quality shoal habitats; and

94 (3) Both the hard rock formations of Georgia's piedmont region and the lime rock  
 95 formations of Georgia's coastal plain are important to the shoal bass, and important  
 96 fishing and tourist economies are structured around this unique native riverine sport fish.

97 **SECTION 2-2.**

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

100 "50-3-89.

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

103 **PART III**

104 **SECTION 3-1.**

105 Code Section 27-3-15, relating to hunting seasons and bag limits, is amended by revising  
 106 subsection (g) as follows:

107 ~~"(g)(1) The department shall report to the General Assembly on or before the fifth day of~~  
 108 ~~February of each year the estimated number of deer killed, by sex, in the immediately~~  
 109 ~~preceding season.~~

110 ~~(2) Upon completion of its annual analysis of data from the immediately preceding~~  
 111 ~~season, the department shall report to the General Assembly on the same day that it~~  
 112 ~~reports to the Board of Natural Resources each year the actual number of deer killed, by~~  
 113 ~~sex, in the immediately preceding season. For properties enrolled in the deer~~  
 114 ~~management assistance program, the department is authorized to prescribe~~  
 115 ~~property-specific deer bag limits without complying with the state-wide limit."~~

116 **PART IV**

117 **SECTION 4-1.**

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