House Bill 815 (AS PASSED HOUSE AND SENATE)

By: Representatives Lane of the 101st, Walker of the 115th, Barnes of the 84th, Post 2, Warren of the 99th, Brock of the 5th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to regulate the taking of certain wildlife; to change certain provisions relating to definitions; to change certain provisions relating to rules and regulations used to establish criminal violations; to change certain provisions relating to effective dates of hunting, fishing, and trapping licenses generally; to change certain provisions relating to licenses for archery and primitive weapons hunting, all weapons hunting licenses, license card carrier requirement, and lifetime sportsman´s licenses; to repeal a provision relative to the disclosure of certain personal information; to change certain provisions relating to trout, big game, and official Georgia waterfowl licenses; to change certain provisions relating to license, permit, tag, and stamp fees; to change certain provisions relating to hunting at night; to change certain provisions relating to legal weapons for hunting wildlife generally; to change certain provisions relating to hunting of wildlife or feral hogs from boats, aircraft, or motor vehicles; to change certain provisions relating to hunting deer with dogs; to change certain provisions relating to hunting of alligators and possession of alligator products; to repeal certain provisions relating to taking, capturing, and killing diamondback terrapins; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by striking paragraph (3) of Code Section 27-1-2, relating to definitions, and inserting in lieu thereof the following:

"(3) 'Alligator product' means any product or article made, either wholly or in part, from any part of the hide of an alligator or alligator meat or any other part of an alligator carcass ~~or alligator eggs~~."

SECTION 2.

Said title is further amended by striking Code Section 27-1-39, relating to rules and regulations used to establish criminal violations, and inserting in lieu thereof the following:

"27-1-39.

Notwithstanding any other law to the contrary, for purposes of establishing criminal violations of the rules and regulations promulgated by the Board of Natural Resources as provided in this title, the terms 'rules and regulations' shall mean those rules and regulations of the Board of Natural Resources in force and effect on ~~July 1, 2002~~ October 1, 2003."

SECTION 3.

Said title is further amended by striking Code Section 27-2-3, relating to effective dates of hunting, fishing, and trapping licenses generally, and inserting in lieu thereof the following:

"27-2-3.

Except as otherwise specifically provided, all ~~season~~ hunting, fishing, and trapping licenses, including without limitation commercial fishing and commercial fishing boat licenses issued pursuant to Code Section 27-2-8, shall be effective from April 1 to March 31 of the following year; except that all annual hunting, fishing, and hunting and fishing combination licenses pursuant to paragraphs (1) through (4) of Code Section 27-2-23 shall be effective for 12 months from the date of issuance. ~~No person shall be required to provide their social security number to the Department of Natural Resources, and the refusal to provide the social security number may not be used as a reason to deny the issuance of any license by the Department of Natural Resources.~~"

SECTION 4.

Said title is further amended by striking subsection (b) of Code Section 27-2-3.1, relating to licenses for archery and primitive weapons hunting, all weapons hunting licenses, license card carrier requirement, and lifetime sportsmen´s licenses, and inserting in lieu thereof the following:

"(b) ~~The requirements in this title for procuring licenses for archery, primitive weapons, big game, and small game hunting shall be satisfied by a resident who purchases an all weapons hunting license. Such license does not satisfy the obligation to obtain a wildlife management area license, an official Georgia waterfowl license, or a migratory bird license~~ Reserved."

SECTION 5.

Said title is further amended by striking subsection (c) of Code Section 27-2-3.1, relating to licenses for archery and primitive weapons hunting, all weapons hunting licenses, license card carrier requirement, and lifetime sportsmen´s licenses, and inserting in lieu thereof the following:

"(c) The requirements in this title for procuring any license or permit for noncommercial hunting and fishing privileges, except for hunting alligators, shall be satisfied by a resident who procures a sportsman license. An applicant for such license shall, prior to the issuance of the license, complete a screening questionnaire associated with the federal Migratory Bird Harvest Information Program."

SECTION 6.

Said title is further amended by striking Code Section 27-2-6, relating to trout, big game, and official Georgia waterfowl licenses, and inserting in lieu thereof the following:

"27-2-6.

(a) It shall be unlawful for any person who has attained the age of 16 years to fish for or possess mountain trout or to fish in any waters designated as trout waters or trout streams pursuant to Code Section 27-4-51 unless such person has in his or her possession a trout license in addition to his or her fishing license.

(b) It shall be unlawful for any person who has attained the age of 16 years to hunt or possess big game unless such person has in his or her possession a big game license in addition to the required hunting license; provided, however, that all nonresidents, regardless of age, must possess a nonresident hunting license along with any harvest records required by law or regulation to hunt big game in this state.

(c) It shall be unlawful for any person who has attained the age of 16 years to hunt ducks, geese, or swans unless such person has in his or her possession an official Georgia waterfowl license in addition to the required hunting license.

(d) It shall be unlawful for any person who has attained the age of 16 years to hunt alligators unless such person has in his or her possession an alligator hunting license in addition to the required hunting license; provided, however, that this subsection shall not apply to lifetime license holders.

~~(d)~~(e) No resident of this state shall be required to obtain a trout license, official Georgia waterfowl license, or big game license to hunt, fish, or trap on premises owned by him or her or his or her immediate family.

~~(e)~~(f) Any visitor to a state park, whether a resident or nonresident of Georgia, shall not be required to purchase a trout license when fishing in impounded waters on lands owned or leased by the department."

SECTION 7A.

Said title is further amended by striking Code Section 27-2-23, relating to license, permit, tag, and stamp fees, and inserting in lieu thereof the following:

"27-2-23.

Fees for licenses, permits, tags, and stamps required by this title shall be as follows:

(1) Hunting licenses:		
(A) Resident hunting license	~~Season~~ Annual	$ 10.00
(B) Nonresident hunting license	~~Season~~ Annual	59.00
(C) Nonresident hunting license	Seven-day	25.00
(D) Hunting license, valid for residents and nonresidents	One-day	5.50
~~(E) Resident archery license~~	~~Season~~	~~8.00~~
~~(F) Nonresident archery license~~	~~Season~~	~~25.00~~
~~(G)~~(E) Resident big game license	~~Season~~ Annual	9.00
~~(H)~~(F) Nonresident big game license	~~Season~~ Annual	118.00
~~(I)~~(G) Nonresident shooting preserve hunting license	Season	12.00
~~(J)~~(H) Commercial fox hunting preserve license	Season	60.00
~~(K)~~(I) Commercial fox breeder license	Season	60.00
~~(L)~~(J) Waterfowl license valid for residents and nonresidents	~~Season~~ Annual	5.50
~~(M)~~(K) Georgia migratory bird license	~~Season~~ Annual	Free
~~(N) Resident all weapons hunting license~~	~~Season~~	~~26.00~~
~~(O)~~(L) Resident primitive weapons license	~~Season~~ Annual	8.00
~~(P)~~(M) Nonresident primitive weapons license	~~Season~~ Annual	25.00
(2) Resident hunting/fishing license	~~Season~~ Annual	17.00
(3) Resident sportsman´s license	~~Season~~ Annual	60.00
(4) Recreational fishing licenses:		
(A) Resident fishing license	~~Season~~ Annual	9.00
(B) Nonresident fishing license	~~Season~~ Annual	24.00
(C) Nonresident fishing license	Seven-day	7.00
(D) Fishing license, valid for residents and nonresidents	One-day	3.50
(E) Resident trout license	~~Season~~ Annual	5.00

(F) Nonresident trout license	~~Season~~ Annual	13.00
(5) Trapping licenses:		
(A) Resident commercial trapping license	Annual	30.00
(B) Nonresident commercial trapping license	Annual	295.00
(6) Commercial fishing licenses:		
(A) Resident commercial fishing license	Season	12.00
(B) Nonresident commercial fishing license	Season	118.00
(C) Resident commercial crabbing license	Season	12.00
(D) Nonresident commercial crabbing license	Season	118.00
(7) Fur, hide, and pelt licenses:		
(A) Resident fur dealer license	Annual	295.00
(B) Nonresident fur dealer license	Annual	415.00
(C) Fur dealer´s agent license	Annual	180.00
(8) Miscellaneous licenses and permits:		
(A) Retail fish dealer license	Annual	10.00
(B) Wholesale fish dealer license	Annual	59.00
(C) Resident game-holding permit	Annual	5.00
(D) Commercial quail breeder permit	Annual	30.00
(E) Scientific collecting permit	Annual	50.00
(F) Wildlife exhibition permit	Annual	59.00
(G) Commercial shooting preserve license	Annual	150.00
(H) Private shooting preserve license	Annual	75.00
(I) Blanket commercial shooting preserve license	Annual	500.00
(J) Commercial fish hatchery license	Annual	59.00
(K) Catch-out pond license	Annual	236.00
(L) Soft-shell crab dealer license	Annual	10.00
(M) Resident taxidermist license	Three-year	150.00
(N) Nonresident taxidermist license	Three-year	500.00
(O) Falconry permit	Three-year	30.00
(P) Commercial alligator farming license	Annual	50.00
(Q) Alligator hunting license	~~Season~~ Annual	50.00
(R) Wild animal license	Annual	236.00
(S) Wild animal auction license	Seven-day	5,000.00

(T) Resident bait dealer license	Season	25.00
(U) Nonresident bait dealer license	Season	150.00

(9) The board is authorized to provide by rule for a fee not to exceed $19.00 for resident daily, seasonal, or annual use permits, licenses, or stamps to hunt and fish on or otherwise use specially designated streams, lakes, or wildlife management areas or a fee not to exceed $73.00 for nonresident permits, licenses, or stamps issued under this paragraph.″

SECTION 7B.

Said title is further amended by striking Code Section 27-2-23, relating to license, permit, tag, and stamp fees, and inserting in lieu thereof the following:

″27-2-23.

Fees for licenses, permits, tags, and stamps required by this title shall be as follows:

(1) Hunting licenses:		
(A) Resident hunting license	~~Season~~ Annual	$ 8.50
(B) Nonresident hunting license	~~Season~~ Annual	50.00
(C) Nonresident hunting license	Seven-day	21.00
(D) Hunting license, valid for residents and nonresidents	One-day	5.50
~~(E) Resident archery license~~	~~Season~~	~~6.50~~
~~(F) Nonresident archery license~~	~~Season~~	~~21.00~~
~~(G)~~(E) Resident big game license	~~Season~~ Annual	7.50
~~(H)~~(F) Nonresident big game license	~~Season~~ Annual	100.00
~~(I)~~(G) Nonresident shooting preserve hunting license	Season	10.00
~~(J)~~(H) Commercial fox hunting preserve license	Season	50.00
~~(K)~~(I) Commercial fox breeder license	Season	50.00
~~(L)~~(J) Waterfowl license valid for residents and nonresidents	~~Season~~ Annual	5.50
~~(M)~~(K) Georgia migratory bird license	~~Season~~ Annual	Free
~~(N) Resident all weapons hunting license~~	~~Season~~	~~26.00~~
~~(O)~~(L) Resident primitive weapons license	~~Season~~ Annual	8.00
~~(P)~~(M) Nonresident primitive weapons license	~~Season~~ Annual	25.00
(2) Resident hunting/fishing license	~~Season~~ Annual	15.50
(3) Resident sportsman´s license	~~Season~~ Annual	60.00

(4) Recreational fishing licenses:		
(A) Resident fishing license	~~Season~~ Annual	7.50
(B) Nonresident fishing license	~~Season~~ Annual	20.00
(C) Nonresident fishing license	Seven-day	7.00
(D) Fishing license, valid for residents and nonresidents	One-day	3.50
(E) Resident trout license	~~Season~~ Annual	3.50
(F) Nonresident trout license	~~Season~~ Annual	10.50
(5) Trapping licenses:		
(A) Resident commercial trapping license	Annual	25.00
(B) Nonresident commercial trapping license	Annual	250.00
(6) Commercial fishing licenses:		
(A) Resident commercial fishing license	Season	10.00
(B) Nonresident commercial fishing license	Season	100.25
(C) Resident commercial crabbing license	Season	12.00
(D) Nonresident commercial crabbing license	Season	118.00
(7) Fur, hide, and pelt licenses:		
(A) Resident fur dealer license	Annual	250.00
(B) Nonresident fur dealer license	Annual	350.00
(C) Fur dealer´s agent license	Annual	150.00
(8) Miscellaneous licenses and permits:		
(A) Retail fish dealer license	Annual	5.00
(B) Wholesale fish dealer license	Annual	50.00
(C) Resident game-holding permit	Annual	2.50
(D) Commercial quail breeder permit	Annual	25.00
(E) Scientific collecting permit	Annual	5.00
(F) Wildlife exhibition permit	Annual	50.00
(G) Commercial shooting preserve license	Annual	25.00
(H) Private shooting preserve license	Annual	10.00
(I) Blanket commercial shooting preserve license	Annual	500.00
(J) Commercial fish hatchery license	Annual	50.00
(K) Catch-out pond license	Annual	200.00
(L) Soft-shell crab dealer license	Annual	10.00
(M) Resident taxidermist license	Three-year	150.00

(N) Nonresident taxidermist license	Three-year	500.00
(O) Falconry permit	Three-year	30.00
(P) Commercial alligator farming license	Annual	25.00
(Q) Alligator hunting license	~~Season~~ Annual	50.00
(R) Wild animal license	Annual	200.00
(S) Wild animal auction license	Seven-day	5,000.00
(T) Resident bait dealer license	Season	25.00
(U) Nonresident bait dealer license	Season	150.00

(9) The board is authorized to provide by rule for a fee not to exceed $15.60 for resident daily, seasonal, or annual use permits, licenses, or stamps to hunt and fish on or otherwise use specially designated streams, lakes, or wildlife management areas or a fee not to exceed $61.25 for nonresident permits, licenses, or stamps issued under this paragraph.″

SECTION 8.

Said title is further amended by striking Code Section 27-3-2, relating to hunting at night, and inserting in lieu thereof the following:

″27-3-2.

It shall be unlawful to hunt at night any game bird or game animal in this state except for alligators, raccoons, opossums, foxes, and bobcats~~; and these may~~. Alligators may be hunted with a light which does not exceed 12 volts. Raccoons, opossums, foxes, and bobcats shall not be hunted with lights, except that a light which does not exceed six volts or a fuel-type lantern may be carried by hand by a hunter or worn on the hunter´s belt and used for locating such animals.″

SECTION 9.

Said title is further amended by striking paragraphs (1), (4), (5), (7), and (8) of Code Section 27-3-4, relating to legal weapons for hunting wildlife generally, and inserting in lieu thereof the following:

″(1) Longbows, recurve bows, crossbows, and compound bows may be used for taking small game, feral hogs, or big game. Arrows for hunting deer, bear, and feral hogs must be broadhead type;″

″(4) Weapons for hunting small game shall be limited to shotguns with shot shell size of no greater than 3 1/2 inches in length with No. 2 lead shot or smaller or federally approved nontoxic shot size of F or smaller shot, .22 caliber or smaller rimfire firearms, air rifles, muzzleloading firearms, longbows, recurve bows, crossbows, and compound

bows; provided, however, that nothing contained in this paragraph shall permit the taking of protected species;

(5)(A) For hunting deer, feral hogs, and bear, shotguns shall be limited to a capacity of not more than five shells in the magazine and chamber combined. If a plug is necessary to so limit the capacity, the plug shall be of one piece, incapable of being removed through the loading end of the magazine.

(B) For hunting all other game animals, shotguns shall be limited to a capacity of not more than three shells in the magazine and chamber combined. If a plug is necessary to so limit the capacity, the plug shall be of one piece, incapable of being removed through the loading end of the magazine;"

"(7) Weapons for hunting alligators shall be limited to hand-held ropes or snares, snatch hooks, harpoons, gigs, or arrows with restraining lines attached. Lawfully restrained alligators may be killed with any caliber handgun or bangstick and shall be killed immediately before transporting;

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

~~(8)~~(9) The use of silencers for hunting within this state is prohibited."

SECTION 10.

Said title is further amended by striking subsection (a) of Code Section 27-3-13, relating to hunting of wildlife or feral hogs from boats, aircraft, or motor vehicles, and inserting in lieu thereof the following:

"(a) It shall be unlawful to hunt any wildlife or feral hog from an electric, gas, or diesel boat, a steamboat, a sailboat, an airplane, a hydroplane, a hovercraft, or a motor vehicle; except that alligators may be hunted from any boat or watercraft under power."

SECTION 11.

Said title is further amended in Code Section 27-3-17, relating to hunting deer with dogs, by adding new subsections to read as follows:

"(c) It shall be unlawful for any person to hunt deer with dogs on any tract of real property unless a permit for hunting deer with dogs has been issued by the department for such tract to the owner or owners of such tract or the lessee of deer hunting rights for such tract. A permit for hunting deer with dogs shall not be issued for any tract of real property that is less than 1,000 contiguous acres. Any application for a permit for hunting deer with dogs shall be on such form as prescribed by the department; shall be accompanied by the required application fee; and shall include a written description of the tract boundaries and a map showing key features such as public roads or streams on or bordering the tract and occupied dwellings on adjacent properties. The application must be signed by all persons

owning any portion of the tract of real property or an authorized agent thereof. The application fee for such permit shall be $100.00 for an annual permit or $25.00 for a two-day permit.

(d) The owner of any dog that is used for hunting deer must cause such dog to be identified at all times during the hunt with the permit number for the tract being hunted.

(e) Any person operating a motor vehicle used in conducting a deer hunt with dogs shall during such hunt clearly display in the lower corner of the driver´s side of the front or rear windshield of such motor vehicle a decal or card showing the tract permit number in numerals not less than two inches high.

(f) The department shall thoroughly investigate for validity any complaints from adjacent property owners regarding hunting deer with dogs in violation of this title or rules and regulations issued pursuant to this title. The commissioner may take action against a permit as provided by Code Section 27-2-25 for violations of the provisions of this title or rules and regulations issued pursuant to this title occurring on the tract of real property for which the permit was issued.″

SECTION 12.

Said title is further amended in Code Section 27-3-19, relating to hunting of alligators and possession of alligator products, by striking subsections (c) through (e) and inserting in lieu thereof the following:

"(c)(1) It shall be unlawful for any person to possess, buy, or sell in this state the untanned hide or skin or alligator products from an alligator not lawfully taken under the authority of Code Section 27-3-15. All such hides, skins, and alligators not lawfully taken are declared to be contraband and shall be seized and disposed of as directed by the commissioner. Possession in a store, warehouse, or retail place of business of such untanned hides or skins or alligator products not lawfully taken shall be prima-facie evidence of violation of this subsection. This subsection shall not apply to alligator products made from hides or skins of alligators produced on farms licensed under this title or from hides or skins of alligators lawfully possessed, taken, or acquired outside or inside this state, nor shall any provision of this subsection be construed so as to prohibit the preparation, processing, or manufacturing of such commercially grown or lawfully possessed, taken, or acquired alligator hides or the storage or sale of products made therefrom, subject to rules and regulations promulgated by the board.

(2) It shall be unlawful for any person to gather alligator eggs from the wild or possess alligator eggs gathered from the wild in this state except pursuant to permit issued by the department for such purpose. The board shall establish the conditions of such permits by such rules or regulations as are reasonable and necessary under sound game management

practices, which shall include without limitation specification of when and where such eggs may be gathered, limits on the number of eggs that may be gathered, the placement of gathered eggs in incubators, return of a minimum percentage and size of hatchlings from gathered eggs to the wild, and permit fees in such amounts as are necessary to cover the cost of administration. This paragraph shall not apply to the collection of alligator eggs from an alligator farm licensed under this title.

(d)(1) It shall be unlawful to possess or transport into this state any untanned alligator hide, skin, or alligator product from any place in which the taking of alligators is prohibited.

(2) It shall be unlawful to possess or transport into this state any alligator eggs gathered from the wild from any place where such gathering of alligator eggs from the wild is prohibited.

(3) All such hides, skins, ~~and~~ alligator products, and alligator eggs are declared to be contraband and shall be seized and disposed of in accordance with Code Section 27-1-21.

(4) Notwithstanding any other provision to the contrary, it shall be lawful to possess and transport into this state any untanned alligator hide, skin, ~~or~~ alligator product, or alligator egg which was lawfully taken and transported and which is accompanied by a bill of sale, bill of lading, ~~or~~ invoice, or permit.

(e) Any person who possesses any untanned alligator hide, skin, ~~or~~ alligator product, or alligator egg from any place in which the taking of alligators is lawful, the gathering of alligator eggs from the wild is lawful, or from an alligator farm licensed under this title shall retain such receipts, invoices, bills of lading, permits, or other indicia of lawful possession, taking, or acquisition as are necessary to indicate clearly at all times the place of origin of the specific untanned alligator hides, skins, ~~or~~ alligator products, or alligator eggs possessed."

SECTION 13.

Said title is further amended by striking and reserving Code Section 27-4-116, relating to taking, capturing, and killing diamondback terrapins.

SECTION 14.

(a) This Act shall become effective on July 1, 2003, except as otherwise provided in subsection (b) of this section.

(b)(1) Section 2 of this Act shall become effective on October 1, 2003.

(2) Sections 3, 4, and 7A of this Act shall become effective on February 29, 2004.

(3) Section 7B of this Act shall become effective on March 31, 2012.

SECTION 15.

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