

The Senate Committee on Natural Resources and the Environment offered the following substitute to HB 343:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 27-3-1 of the Official Code of Georgia Annotated, relating to
2 requirement of permission to hunt on lands of another, written permission, enforcement, and
3 immunity of landowner from civil liability, so as to revise penalties; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 27-3-1 of the Official Code of Georgia Annotated, relating to requirement of
8 permission to hunt on lands of another, written permission, enforcement, and immunity of
9 landowner from civil liability, is amended by revising said Code section as follows:

10 "27-3-1.

11 (a) It shall be unlawful for any person to hunt upon the lands of another or enter upon the
12 lands of another in pursuit of wildlife, with or without a license, without first obtaining
13 permission from the landowner or lessee of such land or the lessee of the game rights of
14 such land. Such permission shall not be required, however, if the person hunting or a
15 member of the person's family is the owner of the land, the lessee of the land, or the lessee
16 of the game rights of the land. For the purposes of this Code section only, 'family' means

17 mother, father, son, daughter, brother, sister, uncle, aunt, son-in-law, daughter-in-law,
18 niece, nephew, grandson, granddaughter, grandmother, grandfather, or spouse.

19 (b) If the land is posted and if the owner of the land, lessee of the land, or lessee of the
20 game rights of the land has informed a law enforcement agency that permission to hunt
21 upon the land must be in writing, then the permission required by subsection (a) of this
22 Code section must be in writing and must be carried on the hunter's person.

23 (c)(1) Except as otherwise provided in this subsection, any person who violates
24 subsection (a) or (b) of this Code section shall be guilty of a misdemeanor and shall be
25 punished by a fine of not less than ~~\$500.00~~ \$975.00.

26 (2) Any person who violates subsection (a) or (b) of this Code section for the second
27 time within a two-year period shall be guilty of a misdemeanor of a high and aggravated
28 nature and shall be punished by a fine of not less than ~~\$1,000.00~~ \$2,000.00; and the
29 department shall revoke the right of such person to a hunting license for a period of one
30 year for each such second conviction within a two-year period.

31 (3) Any person who violates subsection (a) or (b) of this Code section for a third or
32 subsequent time within a three-year period shall be guilty of a misdemeanor of a high and
33 aggravated nature and shall be punished by a fine of not less than ~~\$2,000.00~~ \$3,000.00;
34 and the department shall revoke the right of such person to a hunting license for a period
35 of three years for each such third or subsequent conviction within a three-year period.

36 (4) The minimum fines and revocation periods specified in this subsection shall not
37 apply, however, to an offender who is 17 years of age or younger.

38 (d) It shall be the duty of any peace officer whose duty it is to preserve the peace or make
39 arrests or enforce the law to enforce this Code section.

40 (e) Any owner of land, lessee of land, or lessee of the game or fishing rights to land who
41 gives permission to another person to hunt, fish, or take wildlife upon the land with or
42 without charge shall be entitled to the same protection from civil liability provided by

43 Article 2 of Chapter 3 of Title 51 for landowners who allow the public to use their land for
44 recreational purposes without charge."

45 **SECTION 2.**

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