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HOUSE BILL NO. 129

Offered January 14, 2026

Prefiled January 2, 2026

A BILL to amend and reenact § 29.1-529 of the Code of Virginia, relating to killing of deer damaging fruit trees, crops, livestock, plants, or personal property.

Patron—Cornett

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:**1. That § 29.1-529 of the Code of Virginia is amended and reenacted as follows:****§ 29.1-529. Killing of deer, elk, or bear damaging fruit trees, crops, livestock, or personal property; wildlife creating a hazard to aircraft or motor vehicles.**

A. ~~Whenever~~ Except as provided in subdivision B 2, whenever deer, elk, or bear are damaging fruit trees, crops, livestock, or personal property utilized for commercial agricultural production in the Commonwealth, the owner or lessee of the lands on which such damage is done shall immediately report the damage to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer or bear are responsible for the damage, he shall authorize in writing the owner, lessee, or any other person designated by the Director or his designee to kill such deer or bear when they are found upon the land upon which the damages occurred. However, the Director or his designee shall have the option of authorizing nonlethal control measures rather than authorizing the killing of elk or bear, provided that such measures occur within a reasonable period of time; and whenever deer cause damage on parcels of land of five acres or less, except when such acreage is used for commercial agricultural production, the Director or his designee shall have discretion as to whether to issue a written authorization to kill the deer. The Director or his designee may limit such authorization by specifying in writing the number of animals to be killed and duration for which the authorization is effective and may in proximity to residential areas and under other appropriate circumstances limit or prohibit the authorization between 11:00 p.m. and one-half hour before sunrise of the following day. The Director or his designees issuing these authorizations shall specify in writing that only antlerless deer shall be killed, unless the Director or his designee determines that there is clear and convincing evidence that the damage was done by deer with antlers. Any owner or lessee of land who has been issued a written authorization shall not be issued an authorization in subsequent years unless he can demonstrate to the satisfaction of the Director or his designee that during the period following the prior authorization, the owner or his designee has hunted bear or deer on the land for which he received a previous authorization.

B. 1. Subject to the provisions of subsection A, the Director or his designee may issue a written authorization to kill deer causing damage to residential plants, whether ornamental, noncommercial agricultural, or other types of residential plants. The Director may charge a fee not to exceed actual costs. The holder of this written authorization shall be subject to local ordinances, including those regulating the discharge of firearms.

2. Whenever an owner or lessee of land sees a deer in the act of causing damage to fruit trees, crops, livestock, plants, or personal property on his land, such owner or lessee may kill the deer damaging the fruit trees, crops, livestock, plants, or personal property without an authorization from the Director or his designee required in subsection A or subdivision 1. Such owner or lessee shall immediately report the killing of the deer to the Director or his designee and comply with all local ordinances, including those regulating the discharge of firearms.

C. Whenever wildlife is creating a hazard to the operation of any aircraft or to the facilities connected with the operation of aircraft, the person or persons responsible for the safe operation of the aircraft or facilities shall report such fact to the Director or his designee for investigation. If after investigation the Director or his designee finds that wildlife is creating a hazard, he shall authorize such person or persons or their representatives to kill wildlife when the wildlife is found to be creating such a hazard. As used in this subsection, the term "wildlife" shall not include any federally protected species.

D. Whenever deer are creating a hazard to the operation of motor vehicle traffic within the corporate limits of any city or town, the operator of a motor vehicle or chief law-enforcement officer of the city or town may report such fact to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer are creating a hazard within such city or town, he may authorize responsible persons, or their representatives, to kill the deer when they are found to be creating such a hazard.

E. Whenever deer are damaging property in a locality in which deer herd population reduction has been recommended in the current Deer Management Plan adopted by the Board, the owner or lessee of the lands

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59 on which such damage is being done may report such damage to the Director or his designee for
60 investigation. If after investigation the Director or his designee finds that deer are responsible for the damage,
61 he may authorize in writing the owner, lessee or any other person designated by the Director or his designee
62 to kill such deer when they are found upon the land upon which the damages occurred. The Director or his
63 designee also may limit such authorization by specifying in writing the number of animals to be killed and
64 the period of time for which the authorization is effective. The requirement in subsection A of this section,
65 that an owner or lessee of land demonstrate that during the period following the prior authorization deer or
66 bear have been hunted on his land, shall not apply to any locality that conducts a deer population control
67 program authorized by the Department.

68 F. The Director or his designee may revoke or refuse to reissue any authorization granted under this
69 section when it has been shown by a preponderance of the evidence that an abuse of the authorization has
70 occurred. Such evidence may include a complaint filed by any person with the Department alleging that an
71 abuse of the written authorization has occurred. Any person aggrieved by the issuance, denial or revocation of
72 a written authorization can appeal the decision to the Department. Any person convicted of violating any
73 provision of the hunting and trapping laws and regulations shall be entitled to receive written authorization to
74 kill deer or bear. However, such person shall not (i) be designated as a shooter nor (ii) carry out the
75 authorized activity for a person who has received such written authorization for a period of at least two years
76 and up to five years following his most recent conviction for violating any provision of the hunting and
77 trapping laws and regulations. In determining the appropriate length of this restriction, the Director shall take
78 into account the nature and severity of the most recent violation and of any past violations of the hunting and
79 trapping laws and regulations by the applicant. No person shall be designated as a shooter under this section
80 during a period when such person's hunting license or privileges to hunt have been suspended or revoked.

81 G. The Director or his designee may authorize, subject to the provisions of this section, the killing of deer
82 over bait within the political boundaries of any city or town, or any county with a special late antlerless
83 season, in the Commonwealth when requested by a certified letter from the governing body of such locality.

84 H. The parts of any deer or bear killed pursuant to this section or wildlife killed pursuant to subsection C
85 shall not be used for the purposes of taxidermy, mounts, or any public display unless authorized by the
86 Director or his designee. However, the meat of any such animal may be used for human consumption. The
87 carcass and any unused meat of any such animal shall be disposed of within 24 hours of being killed. Any
88 person who violates any provision of this subsection is guilty of a Class 3 misdemeanor.

89 I. It is unlawful to willfully and intentionally impede any person who is engaged in the lawful killing of a
90 bear or deer pursuant to written authorization issued under this section. Any person convicted of a violation
91 of this subsection is guilty of a Class 3 misdemeanor.