HOUSE BILL NO. 1396

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources on _____)

(Patron Prior to Substitute—Delegate Martinez)

A BILL to amend the Code of Virginia by adding a section numbered 29.1-516.3, relating to Department of Wildlife Resources; permits; use of dogs in hunting game animals, fur-bearing animals, and nuisance species; civil penalties.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 29.1-516.3 as follows:

§ 29.1-516.3. Permit required for the use of dogs in hunting game animals, fur-bearing animals, and nuisance species; civil penalties.

A. The Department shall establish a permit for persons and a permit for organizations that hunt game animals, fur-bearing animals, or nuisance species with the aid of dogs. Applications for new and renewed permits shall be on a form prescribed by the Board and shall include a fee of $19. The Board shall promulgate regulations necessary to implement the provisions of this section, including (i) permit issuance procedures; (ii) criteria for permit enforcement, revocation, or suspension; (iii) standards for dog identification; (iv) conditions under which exemptions to the requirements of this subsection may be granted; (v) the implementation of practices that prevent a hunting dog from entering onto real property on which the permit holder does not have written or verbal permission to hunt; (vi) penalties for violations of this section; and (vii) best practices that foster effective written and verbal agreements between permit holders and landowners.

B. Beginning July 1, 2027, it is unlawful for any person to (i) release a dog to hunt, pursue, or chase any game animal, fur-bearing animal, or nuisance species on any tract of real property or (ii) engage in hunting any game animal, fur-bearing animal, or nuisance species with the aid of any dog unless such person has been issued a permit to hunt with dogs by the Department.

C. The provisions of subsection B shall not apply to (i) any person or organization engaged in mounted fox hunting; (ii) any person or organization engaged in hunting waterfowl, migratory birds, or upland game birds; (iii) any person or organization using a tracking dog to retrieve a wounded or dead bear, turkey, or deer pursuant to § 29.1-516.1; (iv) any person or organization whose dog remains in the immediate visual presence and control of such person or organization, regardless of the species of animal that is otherwise being lawfully pursued; (v) any person or organization on public lands where hunting is allowed; (vi) any

person or organization participating in a rabbit chase foot pack; or (vii) landowners and their spouses, children, and grandchildren within the boundaries of their land.

D. Nothing in this section shall be construed to prohibit any activity authorized under § 18.2-136.

E. Any person who violates the provisions of this section, regulations promulgated pursuant to this section, or the conditions of any permit issued pursuant to this section is subject to a civil penalty of (i) no more than $50 for a first violation and (ii) no less than $100 but no more than $250 for a second or subsequent violation within three years. The proceeds of such civil penalties shall be deposited into the Game Protection Fund established pursuant to § 29.1-101. The Board shall, in promulgating regulations pursuant to subsection A, require permit suspension or revocation in the instance of repeat violations.

2. That the Board of Wildlife Resources shall adopt regulations to define the term "rabbit chase foot pack" as used in clause (vi) of subsection C of § 29.1-516.3 of the Code of Virginia, as created by this act.