

Senate Bill 72

By: Senators Harper of the 7th, Mullis of the 53rd, Gooch of the 51st, Jones of the 25th, Ginn of the 47th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to game and fish, so as to remove a prohibition on hunting on
3 wildlife management areas; to change the date of effective rules and regulations of the Board
4 of Natural Resources; to amend Part 1 of Article 1 of Chapter 3 of Title 27 of the Official
5 Code of Georgia Annotated, relating to general provisions relative to hunting, so as to
6 prohibit the placement of bait to cause the hunting of wildlife on adjoining lands; to modify
7 seasons and bag limits for deer, opossum, and raccoon; to provide for the prohibition of air
8 guns for hunting in certain circumstances; to modify certain prohibitions relating to
9 restrictions on hunting feral hogs; to amend various provisions of the Official Code of
10 Georgia Annotated, so as to make conforming changes; to provide for related matters; to
11 repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to general
15 provisions relative to game and fish, is amended in Code Section 27-1-33, relating to
16 noncompliance with laws while on fishing area, fish hatchery, natural area, or wildlife
17 management area, hunting without wildlife management area license, and acts constituting
18 criminal trespass, by revising subsection (a) as follows:

19 "(a) It shall be unlawful to enter upon or to hunt, trap, or fish on any public fishing area,
20 fish hatchery, or natural area, or wildlife management area owned or operated by the
21 department except in compliance with all applicable laws and all rules and regulations
22 promulgated by the board, including, but not limited to, any law, rule, or regulation relating
23 to seasons or bag limits or requiring a special permit. ~~Further, it shall be unlawful for any~~
24 ~~person except those specifically excluded by law to hunt on a wildlife management area~~
25 ~~without a valid wildlife management area license as authorized by Code Section 27-2-23."~~

26

SECTION 2.

27 Said chapter is further amended by revising Code Section 27-1-39, relating to rules and
28 regulations used to establish criminal violations, as follows:

29 "27-1-39.

30 Notwithstanding any other law to the contrary, for purposes of establishing criminal
31 violations of the rules and regulations promulgated by the Board of Natural Resources as
32 provided in this title, the term 'rules and regulations' means those rules and regulations of
33 the Board of Natural Resources in force and effect on January 1, ~~2016~~ 2019."

34

SECTION 3.

35 Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated,
36 relating to general provisions relative to hunting, is amended in Code Section 27-3-4, relating
37 to legal weapons for hunting wildlife generally, prohibition of use of silencers and
38 suppressors, and penalty for violations, by revising subsection (a) as follows:

39 "27-3-4.

40 (a) It shall be unlawful to hunt wildlife with any weapon, except that:

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

44 (2) During primitive weapon hunts or primitive weapons seasons:

45 (A) Longbows, recurve bows, crossbows, compound bows, muzzleloading firearms
46 of .44 caliber or larger, and muzzleloading shotguns of 20 gauge or larger loaded with
47 single shot may be used; and

48 (B) Youth under 16 years of age may hunt deer with any firearm legal for hunting
49 deer;

50 (3) Firearms for hunting deer and bear are limited to 20 gauge shotguns or larger
51 shotguns loaded with slugs or buckshot (except that no buckshot is permitted on state
52 wildlife management areas unless otherwise specified), muzzleloading firearms of .44
53 caliber or larger, and center-fire firearms .22 caliber or larger; provided, however, that
54 firearms for hunting feral hogs, other than those weapons specified in this paragraph,
55 may be authorized by rule or regulation of the board. Bullets used in all center-fire rifles
56 and handguns must be of the expanding type;

57 (4) Weapons for hunting small game shall be limited to shotguns with shot shell size of
58 no greater than 3 1/2 inches in length with No. 2 lead shot or smaller or federally
59 approved nontoxic shot size of F or smaller shot, .22 caliber or smaller rimfire firearms,
60 air rifles, muzzleloading firearms, longbows, recurve bows, crossbows, and compound
61 bows; provided, however, that in addition to the weapons listed in this paragraph, any

62 center-fire firearm of .17 caliber or larger may be used for hunting fox and bobcat.
 63 Nothing contained in this paragraph shall permit the taking of protected species;
 64 ~~(5) For hunting game animals other than deer and bear, shotguns shall be limited to a~~
 65 ~~capacity of not more than three shells in the magazine and chamber combined. If a plug~~
 66 ~~is necessary to so limit the capacity, the plug shall be of one piece, incapable of being~~
 67 ~~removed through the loading end of the magazine;~~
 68 ~~(6)~~(5) It shall be unlawful to hunt turkey with any weapons except shotguns using No.
 69 2 shot or smaller, muzzleloading firearms, longbows, crossbows, recurve bows, or
 70 compound bows. Any person taking turkey in violation of this paragraph shall be guilty
 71 of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor,
 72 except that a fine imposed for such violation shall not be less than \$250.00;
 73 ~~(7)~~(6) Weapons for hunting alligators shall be limited to hand-held ropes or snares,
 74 snatch hooks, harpoons, gigs, or arrows with restraining lines attached. Lawfully
 75 restrained alligators may be killed with any caliber handgun or bangstick and shall be
 76 killed immediately before transporting;
 77 ~~(8)~~(7) There are no firearms restrictions for taking nongame animals, nongame birds, or
 78 feral hogs; and
 79 ~~(9)~~(8) The use of silencers or suppressors for hunting within this state is prohibited;
 80 provided, however, that a silencer or suppressor may be used for hunting on the private
 81 property of the person using such silencer or suppressor, on private property for which
 82 the owner of such property has provided verifiable permission to the person using such
 83 silencer or suppressor, and on public lands in areas designated by the department.
 84 (9) For purposes of this subsection, the term 'air gun' means any pistol, handgun, or
 85 shoulder-held device, each of not less than 0.30 caliber, or air bow that propels a
 86 projectile in the form of a slug, shot, or arrow equipped with a broadhead utilizing
 87 unignited compressed air or gas. Air guns are legal weapons for hunting big game only
 88 during primitive weapon hunts, primitive weapon seasons, and firearm seasons. This
 89 paragraph shall stand repealed effective July 1, 2020, unless continued in effect by the
 90 General Assembly prior to that date. At its 2020 regular session, the General Assembly
 91 shall review this paragraph to determine whether it should be continued in effect."

92 **SECTION 4.**

93 Said part is further amended in Code Section 27-3-9, relating to unlawful enticement of
 94 game, by revising subsections (a), (a.1), (a.2), and (b) as follows:

95 "(a) ~~As used in this Code section, the term:~~

96 ~~(1) 'Northern zone' means the northern zone for hunting deer with firearms as established~~
 97 ~~pursuant to subsection (c) of Code Section 27-3-15.~~

98 (2) 'Southern zone' means the southern zone for hunting deer with firearms as established
 99 pursuant to subsection (c) of Code Section 27-3-15.

100 ~~(a.1)~~ It shall be unlawful for any person to place, expose, deposit, distribute, or scatter any
 101 corn, wheat, or other grains, salts, apples, or other feeds or bait so as to constitute a lure or
 102 attraction or enticement for any game bird or game animal on or over any area where
 103 hunters are or will be hunting.

104 ~~(a.2)~~(a.1) Nothing in subsection ~~(a.1)~~ (a) of this Code section shall prohibit any person
 105 from placing, exposing, depositing, distributing, or scattering any corn, wheat, or other
 106 grains, salts, apples, or other feeds or bait so as to constitute a lure or attraction or
 107 enticement for deer on lands that are not under the ownership or control and management
 108 of the state or federal government; provided, however, that any such lure or attraction or
 109 enticement shall not be placed, exposed, deposited, distributed, or scattered so as to cause
 110 hunting any species of wildlife on any adjoining property to be prohibited under subsection
 111 (b) of this Code section.

112 (b)(1) Except as otherwise provided by law or regulation, it shall be unlawful for any
 113 person to hunt any game bird or game animal upon, over, around, or near any place where
 114 any corn, wheat, or other grains, salts, apples, or other feed or bait has been placed,
 115 exposed, deposited, distributed, or scattered so as to constitute a lure, attraction, or
 116 enticement to such birds or animals. It shall also be unlawful to hunt any game animal
 117 or game bird upon, over, around, or near any such place for a period of ten days following
 118 the complete removal of all such feed or bait.

119 (2) The prohibitions of paragraph (1) of this subsection shall not apply to:

120 ~~(A) The hunting of deer in the northern zone, other than on lands under the ownership~~
 121 ~~or control and management of the state or federal government, if the hunter is at least~~
 122 ~~200 yards away from and not within sight of such feed or bait; and~~

123 ~~(B) The~~ the hunting of deer ~~in the southern zone~~, other than on lands under the
 124 ownership or control and management of the state or federal government, if the hunter
 125 has written permission of the landowner to hunt upon, over, around, or near such feed
 126 or bait, except as otherwise provided by paragraph (3) of this subsection.

127 (3)(A) The board may by rule or regulation restrict the feeding, baiting, or hunting of
 128 deer upon, over, around, or near such feed or bait in any county wherein there is a
 129 documented occurrence of a communicable disease in deer and in any county adjoining
 130 such county. Such restriction may be imposed in such county and any adjoining county
 131 for a period of up to and including one year and may be extended for additional periods
 132 of up to and including two years each upon documentation that the communicable
 133 disease is still present in deer in such county. No person shall feed, bait, or hunt deer
 134 in violation of any restriction imposed pursuant to this paragraph.

135 (B) The department shall give notice of such restriction by mail or electronic means
 136 to each person holding a current license to hunt whose last known address is within a
 137 restricted county. The department may place or designate the placement of signs and
 138 markers so as to give notice of such restriction.

139 (4) Any person who takes any big game animal, other than deer, within 200 yards of any
 140 place where any corn, wheat, or other grains, salts, apples, or other feed or bait has been
 141 placed, exposed, deposited, distributed, or scattered so as to constitute a lure, attraction,
 142 or enticement for any game bird or game animal shall, upon conviction of thereof, be
 143 guilty of a misdemeanor of a high and aggravated nature and shall be punished as
 144 provided by Code Section 17-10-4."

145 **SECTION 5.**

146 Said part is further amended in Code Section 27-3-15, relating to hunting seasons and bag
 147 limits, promulgation of rules and regulations by board, possession of more than the bag limit,
 148 and reporting number of deer killed, by revising subsections (a) and (b) as follows:

149 "(a) It shall be unlawful to hunt the following game species at any time during the periods
 150 set forth below:

| 151 | <u>Game Species</u> | <u>Closed Season</u> |
|-----|---------------------|---|
| 152 | (1) Quail | March 16 — Oct. 31 |
| 153 | (2) Grouse | March 1 — Oct. 14 |
| 154 | (3) Turkey | |
| 155 | (A) Gobblers | May 22 — March 14 |
| 156 | (B) Hens | All year |
| 157 | (4) Deer | Jan. 16 — Sept. 7; except that the 158 closed season may be Feb. 1 - 159 Sept. 7 in those counties specified as 160 having an extended archery-only 161 open season in paragraph (4) of 162 subsection (b) of this Code section 163 <u>as may be appropriate, and based</u> 164 <u>solely on sound wildlife</u> 165 <u>management principles, the</u> 166 <u>department may by rule extend the</u> 167 <u>season by region, by county, or</u> 168 <u>locale to Jan. 31 for archery only.</u> |
| 169 | (5) Bobcat | March 1 — Oct. 14 |

- 170 (6) Opossum March 1 — Oct. 14, ~~for that area~~
- 171 ~~north of and including Haralson,~~
- 172 ~~Paulding, Bartow, Cherokee,~~
- 173 ~~Forsyth, Hall, Banks, Franklin, and~~
- 174 ~~Hart counties~~
- 175 (7) Rabbit March 1 — Oct. 31
- 176 (8) Raccoon March 1 — Oct. 14, ~~for that area~~
- 177 ~~north of and including Carroll,~~
- 178 ~~Fulton, Gwinnett, Barrow, Clarke,~~
- 179 ~~Oglethorpe, Taliaferro, Wilkes, and~~
- 180 ~~Lincoln counties~~
- 181 (9) Squirrel March 1 — August 14
- 182 (10) Bear Jan. 16 — Sept. 7
- 183 (11) Sea turtles and their eggs All year
- 184 (12) Cougar (~~Felis~~ Puma concolor) All year
- 185 (13) Alligators Nov. 1 — March 31
- 186 (14) Migratory game birds March 11 — August 31

187 (b) It shall be unlawful to hunt the following game species at any time during the period
 188 set forth below, except that it shall not be unlawful to hunt the following game species
 189 during such periods or portions thereof, and in such number not to exceed the following
 190 numbers, as may be designated by the board as open seasons and bag limits for such
 191 species:

| <u>Game Species</u> | <u>Maximum Open Season</u> | <u>Maximum Bag Limits</u> | |
|---------------------|----------------------------|---------------------------|---------------|
| | | <u>Daily</u> | <u>Season</u> |
| 194 (1) Quail | Nov. 1 — March 15 | 12 | No limit |
| 195 (2) Grouse | Oct. 15 — Feb. 29 | 3 | No limit |
| 196 (3) Turkey | March 15 — May 21 | 3 | 3 |
| 197 gobblers | | | |

| | | | | |
|-----|-------------|---|-----------|------------------------------------|
| 198 | (4) Deer | Sept. 8 — Jan. 15; except that there may | <u>12</u> | <u>12</u> |
| 199 | | be also an extended archery-only open | | The daily limit shall be |
| 200 | | season Jan. 1 — Jan. 31 in the counties | | ten antlerless deer and |
| 201 | | of Clayton, Cobb, DeKalb, Forsyth, | | two antlered bucks. The |
| 202 | | Fulton, Gwinnett, and Rockdale due to | | season limit shall be ten |
| 203 | | the extra need for herd reduction in that | | antlerless deer and two |
| 204 | | urban and suburban area of the state <u>as</u> | | antlered bucks. |
| 205 | | <u>may be appropriate and based solely on</u> | | Only one antlered buck |
| 206 | | <u>sound wildlife management principles,</u> | | may have less than four |
| 207 | | <u>the department may by rule extend the</u> | | points — one inch or |
| 208 | | <u>season by region, by county, or locale to</u> | | longer on one side of |
| 209 | | <u>Jan. 31 for archery only</u> | | the antlers. |
| 210 | | | | Up to two deer per |
| 211 | | | | managed hunt may be |
| 212 | | | | allowed on wildlife |
| 213 | | | | management areas |
| 214 | | | | without complying |
| 215 | | | | with the state-wide bag |
| 216 | | | | limit. |
| 217 | | | | <u>The department may</u> |
| 218 | | | | <u>by rule exempt deer</u> |
| 219 | | | | <u>taken on department</u> |
| 220 | | | | <u>managed lands from</u> |
| 221 | | | | <u>the state-wide bag</u> |
| 222 | | | | <u>limit.</u> |
| 223 | (5) Bobcat | Oct. 15 — Feb. 29 | No limit | No limit |
| 224 | (6) Opossum | (A) Oct. 15 — Feb. 29, for that area | No limit | No limit |
| 225 | | north of and including Haralson, | | |
| 226 | | Paulding, Bartow, Cherokee, Forsyth, | | |
| 227 | | Hall, Banks, Franklin, and Hart counties; | | |
| 228 | | and | | |
| 229 | | (B) Jan. 1 — Dec. 31 for the | No limit | No limit |
| 230 | | remainder of the state | | |
| 231 | (7) Rabbit | Nov. 1 — Feb. 29 | 12 | No limit |

| | | | | |
|-----|-----------------|--|-------------------------------|----------|
| 232 | (8) Raccoon | (A) Oct. 15 — Feb. 29, for that area | No limit | No limit |
| 233 | | north of and including Carroll, Fulton, | | |
| 234 | | Gwinnett, Barrow, Clarke, Oglethorpe, | | |
| 235 | | Taliaferro, Wilkes, and Lincoln counties; | | |
| 236 | | and | | |
| 237 | | (B) Jan. 1 — Dec. 31 for the | No limit | No limit |
| 238 | | remainder of the state | | |
| 239 | (9) Squirrel | Aug. 15 — Feb. 29 | 12 | No limit |
| 240 | (10) Fox | Jan. 1 — Dec. 31 | No limit | No limit |
| 241 | (11) Migratory | Sept. 1 — March 10 | Subject to limits set | |
| 242 | game | | by the federal | |
| 243 | birds | | government and | |
| 244 | | | adopted by the board | |
| 245 | (12) Bear | Sept. 8 — Jan. 15 | 2 | 2 |
| 246 | | | <u>The department may by</u> | |
| 247 | | | <u>rule exempt bear taken</u> | |
| 248 | | | <u>on department managed</u> | |
| 249 | | | <u>lands from the</u> | |
| 250 | | | <u>state-wide bag limit.</u> | |
| 251 | (13) Alligators | April 1 — Oct. 31 | Subject to limits | |
| 252 | | | adopted by the board" | |

SECTION 6.

Said part is further amended in Code Section 27-3-24, relating to restrictions on hunting feral hogs, by revising subsection (a.2) as follows:

"(a.2) ~~It shall be unlawful for~~ Nothing in this Code section shall prohibit any person to ~~place, expose, deposit, distribute, or scatter from placing, exposing, depositing, distributing, or scattering~~ any corn, wheat, or other grains, salts, apples, or other feed or bait so as to constitute a lure, attraction, or enticement for feral hogs ~~within 50 yards of any property ownership boundary; provided, however, that any such lure, attraction, or enticement shall not be placed, exposed, deposited, distributed, or scattered so as to cause hunting any species of wildlife on any adjoining property to be prohibited under this Code section.~~"

264

SECTION 7.

265 The Official Code of Georgia Annotated is amended by replacing "conservation ranger" with
266 "game warden" and "conservation rangers" with "game wardens" wherever the former terms
267 occur in:

268 (1) Code Section 12-5-289, relating to inspection of marshlands;

269 (2) Code Section 16-10-24, relating to obstructing or hindering law enforcement officers and
270 penalties;

271 (3) Code Section 16-11-129, relating to weapons carry license, gun safety information,
272 temporary renewal permit, mandamus, and verification of license;

273 (4) Code Section 27-1-6, relating to powers and duties of the Department of Natural
274 Resources generally;

275 (5) Code Section 27-1-16, relating to establishment of a unit for conservation rangers,
276 qualifications, appointment, and supervisory personnel, and retention of badge and weapon
277 upon disability retirement;

278 (6) Code Section 27-1-17, relating to deputy conservation rangers;

279 (7) Code Section 27-1-18, relating to powers of conservation rangers generally;

280 (8) Code Section 27-1-19, relating to power of conservation rangers and deputy conservation
281 rangers to arrest persons and procedure upon failure of person arrested to appear to answer
282 charges;

283 (9) Code Section 27-1-20, relating to additional powers of conservation rangers and
284 functions of other agencies assigned to department;

285 (10) Code Section 27-1-21, relating to seizure of disposal of wildlife illegally taken or
286 possessed, civil action by possessor, disposal of wildlife unable to be stored, and disposition
287 of unmarketable items;

288 (11) Code Section 27-1-24, relating to inspection of vessels and boats;

289 (12) Code Section 27-1-25, relating to interference with arrest or performance of ranger's
290 duties;

291 (13) Code Section 27-2-5, relating to required hunter education courses;

292 (14) Code Section 27-2-28, relating to refusing inspection of identification or license,
293 making false statements in obtaining a license or permit, counterfeiting or alteration, and
294 unlawful collection of funds;

295 (15) Code Section 27-3-9, relating to unlawful enticement of game;

296 (16) Code Section 27-3-49, relating to killing of dogs running deer;

297 (17) Code Section 27-3-63, relating to general offenses and penalties;

298 (18) Code Section 27-3-68, relating to confiscation and disposal of unlawful devices;

299 (19) Code Section 27-3-71, relating to reports and records of fur dealers and inspection of
300 premises;

- 301 (20) Code Section 27-3-92, relating to transportation of wildlife out of state;
- 302 (21) Code Section 27-4-2, relating to fishing in waters or from lands of another without
303 permission and obstruction or interference with rights of others;
- 304 (22) Code Section 27-4-5, relating to methods for taking fish generally;
- 305 (23) Code Section 27-4-7, relating to use of gill nets and seizure of illegal nets;
- 306 (24) Code Section 27-4-76, relating to licensing of wholesale and retail fish dealers and sale,
307 transportation into state, or possession of live fish and fish eggs;
- 308 (25) Code Section 27-4-92, relating to lawful baskets;
- 309 (26) Code Section 27-4-150, relating to taking, possessing, and dealing in crabs and peelers
310 and required records;
- 311 (27) Code Section 27-4-151, relating to use of crab traps, identification of boats or vessels,
312 and closure of salt waters authorized;
- 313 (28) Code Section 27-4-199, relating to evidence of intent to use as food and inspection of
314 businesses;
- 315 (29) Code Section 35-4-2, relating to definitions relative to the Georgia Police Academy;
- 316 (30) Code Section 42-8-60, relating to probation prior to adjudication of guilt, violation of
317 probation, and review of criminal record by judge;
- 318 (31) Code Section 47-2-110, relating to retirement ages, application and eligibility for a
319 retirement allowance, suspension of retirement allowance upon reemployment, and health
320 benefits;
- 321 (32) Code Section 47-2-111, relating to persons eligible to retire at age 55;
- 322 (33) Code Section 47-2-221, relating to disability allowances payable to personnel for
323 certain disabilities arising in the line of duty;
- 324 (34) Code Section 47-2-226, relating to certain law enforcement officers permitted to obtain
325 creditable service in retirement system under certain conditions, "law enforcement officer"
326 defined, and payment of full actuarial value to applicant; and
- 327 (35) Code Section 52-7-25, relating to enforcement of general provisions regarding
328 watercraft.

329

SECTION 8.

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