

House Bill 475 (AS PASSED HOUSE AND SENATE)

By: Representatives McCall of the 33rd, Burns of the 159th, Meadows of the 5th, England of the 116th, Harden of the 148th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 2 of the Official Code of Georgia Annotated, relating to plant
2 disease, pest control, and pesticides, so as to provide for the control and transport of feral
3 hogs; to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish,
4 so as to revise provisions relating to the hunting of feral hogs; to remove certain restrictions
5 on the hunting of feral hogs; to provide for exceptions and penalties; to provide for a short
6 title; to provide for legislative findings; to provide for related matters; to repeal conflicting
7 laws; and for other purposes.

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

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Feral Hog Control Act."

11 **SECTION 2.**

12 The General Assembly finds that feral hogs are an invasive species in Georgia and are
13 detrimental to the natural resources and agricultural production of the state. Feral hogs cause
14 significant damage to crops and wildlife habitat. In addition, as carriers of communicable
15 diseases, feral hogs pose a health risk to humans, livestock, companion animals, pets, and
16 native wildlife.

17 **SECTION 3.**

18 Chapter 7 of Title 2 of the Official Code of Georgia Annotated, relating to plant disease, pest
19 control, and pesticides, is amended by adding a new article to read as follows:

20

"ARTICLE 721 2-7-200.

22 As used in this article, the term 'feral hog' has the meaning provided by Code Section
23 27-1-2.

24 2-7-201.

25 (a) No person shall transport live feral hogs anywhere in this state unless authorized to do
26 so pursuant to a feral hog transport permit carried on such person while engaging in the
27 transport of such feral hogs.

28 (b)(1) Upon request by any person, the department shall issue a feral hog transport
29 permit authorizing such person to transport live feral hogs; provided, however, that such
30 permit shall only authorize the transportation of live feral hogs directly to slaughter, to
31 a slaughtering facility, or to any other type of facility approved and licensed by the
32 department, unless otherwise directed pursuant to an order issued by the state
33 veterinarian.

34 (2) The cost of a feral hog transport permit shall not exceed \$15.00.

35 (c) The department may require a license for the operation of any facility which holds but
36 does not slaughter live feral hogs. The cost of such license shall not exceed \$100.00.

37 (d) Any fees for licenses collected pursuant to this Code section shall be retained pursuant
38 to the provisions of Code Section 45-12-92.1.

39 (e) Any person who violates subsection (a) of this Code section shall be guilty of a
40 misdemeanor of a high and aggravated nature and shall be punished as provided by Code
41 Section 17-10-4; provided, however, that if a fine is imposed pursuant to such Code
42 section, such fine shall be not less than \$1,500.00. In addition, any license or permit
43 previously issued under Title 27 to any such person shall by operation of law be revoked
44 and shall not be reissued for a period of three years after the date of conviction. Such
45 person shall be notified of the revocation by the Department of Natural Resources either
46 personally or by a letter sent by certified mail or statutory overnight delivery to the name
47 and address indicated on the application for the license or permit, or both, or to the
48 Secretary of State as provided in Code Section 27-2-24.

49 2-7-202.

50 No person shall commingle feral hogs with domestic swine or hold feral hogs on any
51 premises where domestic swine are located.

52 2-7-203.

53 Except as provided in subsection (e) of Code Section 2-7-201, any person who violates any
 54 provision of this article shall be guilty of a misdemeanor.

55 2-7-204.

56 The department may promulgate all rules and regulations necessary to administer the
 57 provisions of this article."

58 **SECTION 4.**

59 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by
 60 revising subsection (b) of Code Section 27-1-33, relating to the offense of criminal trespass,
 61 as follows:

62 "(b) Any person who enters upon or who hunts, traps, or fishes on any public hunting or
 63 fishing area, fish hatchery, or natural area; or any game management area owned or
 64 operated, ~~or owned and operated~~, by the department in violation of this Code section
 65 commits the offense of criminal trespass."

66 **SECTION 5.**

67 Said title is further amended by revising Code Section 27-2-31, relating to wildlife control
 68 permits, as follows:

69 "27-2-31.

70 (a) The department is authorized to issue wildlife control permits authorizing the permittee
 71 to trap, transport and release, or kill wildlife and feral hogs where such action is otherwise
 72 prohibited by law or regulation:

73 (1) When the department determines that there is a substantial likelihood the presence
 74 of such wildlife ~~or feral hogs~~ will endanger or cause injury to persons or will destroy or
 75 damage agricultural crops, domestic animals, buildings, structures, or other personal
 76 property;

77 (2) For the control of white-tailed deer on airport property; provided, however, that
 78 permits shall be issued under this paragraph for purposes of public safety, and the control
 79 of white-tailed deer for other purposes and the removal of black bear shall be as provided
 80 in Code Sections 27-2-18 and 27-3-21, respectively;

81 (3) For fur-bearing animals, as defined in paragraph (31) of Code Section 27-1-2, to
 82 implement a bona fide wildlife management plan that has been approved by the
 83 department; and

84 (4) For feral hogs, provided that:

- 85 (A) All permitted activities must comply with all rules and regulations of the
86 Department of Agriculture; and
- 87 (B)(i) No person shall transport any live feral hog without carrying on his or her
88 person a feral hog transport permit issued by the Department of Agriculture pursuant
89 to Code Section 2-7-201, and no person shall release any trapped or transported feral
90 hog into any area that is not fenced to prevent the escape of such feral hog onto the
91 land of another.
- 92 (ii) Any person who violates division (i) of this subparagraph shall, upon conviction
93 thereof, be guilty of a misdemeanor of a high and aggravated nature and shall be
94 punished as provided by Code Section 17-10-4; provided, however, that if a fine is
95 imposed pursuant to such Code section, such fine shall be not less than \$1,500.00.
- 96 (iii) Any license or permit previously issued under this title to any person convicted
97 of violating division (i) of this subparagraph shall by operation of law be revoked and
98 shall not be reissued for a period of three years after the date of such conviction. The
99 licensee or permit holder shall be notified of the revocation personally or by a letter
100 sent by certified mail or statutory overnight delivery to the name and address
101 indicated on the application for the license or permit, or both, or to the Secretary of
102 State as provided in Code Section 27-2-24.
- 103 (b)(1) In issuing a wildlife control permit, the department shall prescribe the method,
104 means, species, numbers, time limits, location, and any other conditions it deems
105 necessary to ensure the continued viability of the wildlife population involved and to
106 ensure that the public safety and interest are not compromised.
- 107 (2) Notwithstanding the provisions of paragraph (1) of this subsection, a wildlife control
108 permit for feral hogs shall authorize the hunting or trapping of such feral hogs:
- 109 (A) At night with a light except during the season prescribed for hunting deer;
110 (B) From within a motor vehicle or while on a motor vehicle; and
111 (C) By a Georgia resident without a hunting or trapping license if such hunting occurs
112 on premises owned by the permittee or his or her immediate family or leased by him
113 or her or his or her immediate family and used primarily for raising or harvesting crops
114 other than timber or for containing livestock or poultry. Nothing in this subparagraph
115 shall be construed to affect or negate the terms of any lease agreement.
- 116 (3) A wildlife control permit for feral hogs shall expire not less than five years from the
117 issuing date; provided, however, that if the permittee is leasing the premises upon which
118 the hunting is to occur, such permit shall expire automatically upon the termination of the
119 lease. The department shall provide for the renewal of permits.
- 120 (c) Nothing in this Code section shall be construed to authorize the taking of any species
121 which is protected by the federal Endangered Species Act of 1973, Public Law 93-205, as

122 amended, or under any state law or regulation which has as its purpose the protection of
 123 endangered or threatened species."

124 **SECTION 6.**

125 Said title is further amended by revising Code Section 27-3-4, relating to legal weapons for
 126 hunting, as follows:

127 "27-3-4.

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

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

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

133 (A) Longbows, recurve bows, crossbows, compound bows, muzzleloading firearms of
 134 .44 caliber or larger, and muzzleloading shotguns of 20 gauge or larger loaded with
 135 single shot may be used; and

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

137 (3) Firearms for hunting deer, and bear, and feral hogs are limited to 20 gauge shotguns
 138 or larger shotguns loaded with slugs or buckshot (except that no buckshot is permitted on
 139 state wildlife management areas unless otherwise specified), muzzleloading firearms of
 140 .44 caliber or larger, and center-fire firearms .22 caliber or larger; provided, however, that
 141 firearms for hunting feral hogs, other than those weapons specified in this paragraph, may
 142 be authorized by rule or regulation of the board. Bullets used in all center-fire rifles and
 143 handguns must be of the expanding type;

144 (4) Weapons for hunting small game shall be limited to shotguns with shot shell size of
 145 no greater than 3 1/2 inches in length with No. 2 lead shot or smaller or federally
 146 approved nontoxic shot size of F or smaller shot, .22 caliber or smaller rimfire firearms,
 147 air rifles, muzzleloading firearms, longbows, recurve bows, crossbows, and compound
 148 bows; provided, however, that in addition to the weapons listed in this paragraph, any
 149 center-fire firearm of .17 caliber or larger may be used for hunting fox and bobcat.
 150 Nothing contained in this paragraph shall permit the taking of protected species;

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

155 ~~(B)~~ For hunting ~~all other~~ game animals other than deer and bear, shotguns shall be
 156 limited to a capacity of not more than three shells in the magazine and chamber

157 combined. If a plug is necessary to so limit the capacity, the plug shall be of one piece,
158 incapable of being removed through the loading end of the magazine;

159 (6) It shall be unlawful to hunt turkey with any weapons except shotguns using No. 2
160 shot or smaller, muzzleloading firearms, longbows, crossbows, recurve bows, or
161 compound bows. Any person taking turkey in violation of this paragraph shall be guilty
162 of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor,
163 except that a fine imposed for such violation shall not be less than \$250.00;

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

168 (8) There are no firearms restrictions for taking nongame animals, ~~or nongame birds,~~ or
169 feral hogs; and

170 (9) The use of silencers or suppressors for hunting within this state is prohibited;
171 provided, however, that a silencer or suppressor may be used for hunting on the private
172 property of the person using such silencer or suppressor, on private property for which
173 the owner of such property has provided verifiable permission to the person using such
174 silencer or suppressor, and on public lands in areas designated by the department.

175 (b)(1) It shall be illegal to use a silencer or suppressor for hunting in violation of
176 paragraph (9) of subsection (a) of this Code section. A person who violates the
177 provisions of this paragraph shall be guilty of a misdemeanor.

178 (2) The hunting privileges of any person who has been convicted of violating the
179 provisions of this title or any rule or regulation promulgated pursuant thereto by hunting
180 without landowner permission, hunting in an area that is closed for hunting, or hunting
181 big game out of season or at night with a firearm equipped with a suppressor shall be
182 suspended for three years."

183 **SECTION 7.**

184 Said title is further amended by revising subsection (a) of Code Section 27-3-13, relating to
185 unlawful hunting of certain animals from vehicles, as follows:

186 "(a) It shall be unlawful to hunt any wildlife or feral hog from an electric, gas, or diesel
187 boat, a steamboat, a sailboat, an ~~airplane~~ aircraft, a hydroplane, a hovercraft, or a motor
188 vehicle; except that alligators may be hunted from any boat or watercraft under power and
189 feral hogs may be hunted from motor vehicles in accordance with an applicable wildlife
190 control permit issued by the department."

191 **SECTION 8.**

192 Said title is further amended by revising Code Section 27-3-24, relating to restrictions on
 193 hunting feral hogs, as follows:

194 "27-3-24.

195 (a) It shall be unlawful to hunt, or engage in the hunting of, feral hogs:

196 (1) Upon the lands of another or enter upon the lands of another in pursuit of feral hogs
 197 without first obtaining permission from the landowner or lessee of such land or the lessee
 198 of the game rights of such land;

199 (2) Upon any land which is posted without having the permission required by
 200 paragraph (1) of this subsection in writing and carried upon the person; or

201 ~~(3) Reserved;~~

202 ~~(4) From within a vehicle or while riding on a vehicle at night and with the use of a light;~~

203 ~~(5) At night with a light, except that a light which is carried on the person of a hunter,
 204 affixed to a helmet or hat worn by a hunter, or part of a belt system worn by a hunter may
 205 be used for locating feral hogs; or~~

206 ~~(6)~~(3) During the firearms deer season unless the hunter and each person accompanying
 207 the hunter are wearing a total of at least 500 square inches of daylight fluorescent orange
 208 material as an outer garment and such material or garment is worn above the waistline,
 209 and may include a head covering.

210 (a.1)(1) The board may by rule or regulation restrict the feeding, baiting, or hunting of
 211 feral hogs upon, over, around, or near feed or bait in any county wherein there is a
 212 documented occurrence of a communicable disease in deer and in any county adjoining
 213 such county. Such restriction may be imposed in such county and any adjoining county
 214 for a period of up to and including one year and may be extended for additional periods
 215 of up to and including two years each upon documentation that the communicable disease
 216 is still present in deer in such county. No person shall feed, bait, or hunt feral hogs in
 217 violation of any restriction imposed pursuant to this paragraph.

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

222 (a.2) It shall be unlawful for any person to place, expose, deposit, distribute, or scatter any
 223 corn, wheat, or other grains, salts, apples, or other feed or bait so as to constitute a lure,
 224 attraction, or enticement for feral hogs within 50 yards of any property ownership
 225 boundary.

226 (b) It shall be unlawful to transport any live feral hog without carrying on his or her person
 227 a feral hog transport permit issued by the Department of Agriculture pursuant to Code

228 Section 2-7-201. Any person who captures live feral hogs without such permit shall kill
229 such feral hogs prior to transport from the point of capture.
230 (c) The Board of Natural Resources is authorized by rules or regulations to control and
231 regulate the hunting or taking of feral hogs on wildlife management areas."

232

SECTION 9.

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