

House Bill 475 (COMMITTEE SUBSTITUTE)

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

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so  
2 as to revise provisions relating to the hunting of feral hogs; to remove certain restrictions on  
3 the hunting of feral hogs; to provide for exceptions; to provide for related matters; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

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

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

14 style="text-align:center">**SECTION 2.**

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

17 "27-2-31.

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

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

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

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

32 (4) For feral hogs, provided that:

33 (A) All permitted activities must comply with all rules and regulations of the  
 34 Department of Agriculture; and

35 (B)(i) No person shall release any trapped or transported feral hog into any area that  
 36 is not fenced to prevent the escape of such feral hog onto the land of another.

37 (ii) Any person who violates division (i) of this subparagraph shall, upon conviction  
 38 thereof, be guilty of a misdemeanor of a high and aggravated nature and shall be  
 39 punished as provided by Code Section 17-10-4; provided, however, that if a fine is  
 40 imposed pursuant to such Code section, such fine shall be not less than \$1,500.00.

41 (iii) Any license or permit previously issued under this title to any person convicted  
 42 of violating division (i) of this subparagraph shall by operation of law be revoked and  
 43 shall not be reissued for a period of three years after the date of such conviction. The  
 44 licensee or permit holder shall be notified of the revocation personally or by a letter  
 45 sent by certified mail or statutory overnight delivery to the name and address  
 46 indicated on the application for the license or permit, or both, or to the Secretary of  
 47 State as provided in Code Section 27-2-24.

48 (b)(1) In issuing a wildlife control permit, the department shall prescribe the method,  
 49 means, species, numbers, time limits, location, and any other conditions it deems  
 50 necessary to ensure the continued viability of the wildlife population involved and to  
 51 ensure that the public safety and interest are not compromised.

52 (2) Notwithstanding the provisions of paragraph (1) of this subsection, a wildlife control  
 53 permit for feral hogs shall authorize the hunting or trapping of such feral hogs:

54 (A) At night with a light, except during the season prescribed for hunting deer;

55 (B) From within a motor vehicle or while on a motor vehicle; and

56 (C) By a Georgia resident without a hunting or trapping license if such hunting occurs  
 57 on premises owned by the permittee or his or her immediate family or leased by him  
 58 or her or his or her immediate family and used primarily for raising or harvesting crops  
 59 other than timber or for containing livestock or poultry. Nothing in this subparagraph  
 60 shall be construed to affect or negate the terms of any lease agreement.

61 (3) A wildlife control permit for feral hogs shall expire not less than five years from the  
 62 issuing date; provided, however, that if the permittee is leasing the premises upon which  
 63 the hunting is to occur, such permit shall expire automatically upon the termination of the  
 64 lease. The department shall provide for the renewal of permits.

65 (c) Nothing in this Code section shall be construed to authorize the taking of any species  
 66 which is protected by the federal Endangered Species Act of 1973, Public Law 93-205, as  
 67 amended, or under any state law or regulation which has as its purpose the protection of  
 68 endangered or threatened species."

69 **SECTION 3.**

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

72 "27-3-4.

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

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

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

78 (A) Longbows, recurve bows, crossbows, compound bows, muzzleloading firearms of  
 79 .44 caliber or larger, and muzzleloading shotguns of 20 gauge or larger loaded with  
 80 single shot may be used; and

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

82 (3) Firearms for hunting deer, and bear, ~~and feral hogs~~ are limited to 20 gauge shotguns  
 83 or larger shotguns loaded with slugs or buckshot (except that no buckshot is permitted on  
 84 state wildlife management areas unless otherwise specified), muzzleloading firearms of  
 85 .44 caliber or larger, and center-fire firearms .22 caliber or larger; provided, however, that  
 86 firearms for hunting feral hogs, other than those weapons specified in this paragraph, may  
 87 be authorized by rule or regulation of the board. Bullets used in all center-fire rifles and  
 88 handguns must be of the expanding type;

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

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

100 (B) For hunting ~~all other~~ game animals other than deer and bear, shotguns shall be  
 101 limited to a capacity of not more than three shells in the magazine and chamber  
 102 combined. If a plug is necessary to so limit the capacity, the plug shall be of one piece,  
 103 incapable of being removed through the loading end of the magazine;

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

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

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

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

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

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

#### 128 SECTION 4.

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

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

136 **SECTION 5.**

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

139 "27-3-24.

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

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

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

146 ~~(3) Reserved;~~

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

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

151 ~~(6)~~(3) During the firearms deer season unless the hunter and each person accompanying  
 152 the hunter are wearing a total of at least 500 square inches of daylight fluorescent orange  
 153 material as an outer garment and such material or garment is worn above the waistline,  
 154 and may include a head covering.

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

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

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

171 (b) The Board of Natural Resources is authorized by rules or regulations to control and  
172 regulate the hunting or taking of feral hogs on wildlife management areas."

173 **SECTION 6.**

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