

HOUSE BILL NO. 928

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate Kent)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-146.2, relating to interference with commercial fishing vessels; penalties.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-146.2 as follows:

§ 18.2-146.2. Interference with commercial fishing vessels; penalties.

A. Any person who approaches a commercial fishing vessel without the consent of the owner or person in charge of such vessel, with the intent to coerce, intimidate, or harass the captain or crew of such vessel or interfere with the operations of such commercial fishing vessel is guilty of a Class 1 misdemeanor.

B. Notwithstanding any other provision of law, any person who willfully and intentionally impedes a commercial waterman as defined in 23VAC10-210-350 is guilty of a Class 1 misdemeanor.

C. Any person who intentionally or recklessly damages, injures, tampers with, defaces, or destroys a commercial fishing vessel or any associated gear is guilty of a Class 1 misdemeanor. The court shall order the defendant to make restitution in accordance with § 19.2-305.1 for the damage or destruction caused. For the purpose of awarding restitution under this section, the court shall determine the value of the property damaged as well as the market value of any commercial catch lost.

D. Any two or more persons who combine, associate, agree, mutually undertake, or concert together for the purpose of engaging in activities prohibited by this section shall be jointly and severally guilty of penalties set out in each applicable subsection.

E. Any person found guilty of a first offense under this section shall be ineligible for any license issued under Chapter 3 (§ 28.2-300 et seq.) of Title 28.2 or Chapter 3 (§ 29.1-300 et seq.) of Title 29.1 for

27 a period of one year. Any person convicted of a second or subsequent offense under this section shall be
28 permanently barred from receiving such licenses.

29 F. Any person convicted of a violation of this section shall be ordered to complete a Virginia
30 Boater Safety Course within one year from the date of his conviction.

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