

The House Committee on Game, Fish and Parks offers the following substitute to HB 343:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 27-3-1 of the Official Code of Georgia Annotated, relating to
2 requirement of permission to hunt on lands of another, written permission, enforcement, and
3 immunity of landowner from civil liability, so as to revise penalties; to provide for a
4 rebuttable presumption of violation of said Code section by individuals in possession of
5 hunting paraphernalia while on others' lands; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 27-3-1 of the Official Code of Georgia Annotated, relating to requirement of
10 permission to hunt on lands of another, written permission, enforcement, and immunity of
11 landowner from civil liability, is amended by revising said Code section as follows:

12 "27-3-1.

13 (a) It shall be unlawful for any person to hunt upon the lands of another or enter upon the
14 lands of another in pursuit of wildlife, with or without a license, without first obtaining
15 permission from the landowner or lessee of such land or the lessee of the game rights of
16 such land. Such permission shall not be required, however, if the person hunting or a

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17 member of the person's family is the owner of the land, the lessee of the land, or the lessee
18 of the game rights of the land. For the purposes of this Code section only, 'family' means
19 mother, father, son, daughter, brother, sister, uncle, aunt, son-in-law, daughter-in-law,
20 niece, nephew, grandson, granddaughter, grandmother, grandfather, or spouse.

21 (b) If the land is posted and if the owner of the land, lessee of the land, or lessee of the
22 game rights of the land has informed a law enforcement agency that permission to hunt
23 upon the land must be in writing, then the permission required by subsection (a) of this
24 Code section must be in writing and must be carried on the hunter's person.

25 (c)(1) Except as otherwise provided in this subsection, any person who violates
26 subsection (a) or (b) of this Code section shall be guilty of a misdemeanor and shall be
27 punished by a fine of not less than \$500.00.

28 (2) Any person who violates subsection (a) or (b) of this Code section for the second
29 time within a two-year period shall be guilty of a misdemeanor of a high and aggravated
30 nature and shall be punished by a fine of not less than ~~\$1,000.00~~ \$1,500.00; and the
31 department shall revoke the right of such person to a hunting license for a period of one
32 year for each such second conviction within a two-year period.

33 (3) Any person who violates subsection (a) or (b) of this Code section for a third or
34 subsequent time within a three-year period shall be guilty of a misdemeanor of a high and
35 aggravated nature and shall be punished by a fine of not less than ~~\$2,000.00~~ \$3,000.00;
36 and the department shall revoke the right of such person to a hunting license for a period
37 of three years for each such third or subsequent conviction within a three-year period.

38 (4) The minimum fines and revocation periods specified in this subsection shall not
39 apply, however, to an offender who is 17 years of age or younger.

40 (d) It shall be the duty of any peace officer whose duty it is to preserve the peace or make
41 arrests or enforce the law to enforce this Code section.

42 (e) An individual's possession of hunting paraphernalia, including but not limited to game
43 calls, game cameras, tree stand, blind, wildlife decoys, scent elimination spray, rifle or

44 shotgun, bow and arrow, crossbow, air gun, wildlife feeders, or handgun, while on the
45 lands of another may, in the event that a peace officer exercises his or her discretion to
46 enforce this Code section, create a rebuttable presumption that the individual is in violation
47 of subsection (a) or (b) of this Code section.

48 ~~(e)~~(f) Any owner of land, lessee of land, or lessee of the game or fishing rights to land who
49 gives permission to another person to hunt, fish, or take wildlife upon the land with or
50 without charge shall be entitled to the same protection from civil liability provided by
51 Article 2 of Chapter 3 of Title 51 for landowners who allow the public to use their land for
52 recreational purposes without charge."

53 **SECTION 2.**

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