

Legislation 2008

As of 1/18/2008

These are the bills we are currently following daily in the General Assembly. Many of these bills will be amended as this process progresses. The Virginia Hunting Dog Alliance may oppose a bill one day and see it amended into an acceptable form the next. The Devil is always in the details, so rather than rely on a summary, please read full text of the bills carefully. The Virginia Hunting Dog Alliance has had a daily presence at the legislature to represent your views.

Virginia House of Delegates Bills

HB 32 Fighting of cocks and other animals; increases penalty. Summary as introduced: Fighting of cocks and other animals; penalty. Increases the penalty for engaging in the fighting of cocks or other animals, except dogs, from a Class 3 to a Class 1 misdemeanor. Currently, the penalties only apply if (i) the fighting occurs for money, prizes, or anything of value, (ii) an admissions fee is charged, or (iii) wagering occurs. These conditions are removed. The bill also makes it a Class 1 misdemeanor to possess, own, train, or sell cocks or other animals, except dogs, for fighting.

See footnote #1

HB 40 Gas chambers; prohibits use thereof for animal euthanasia. Summary as introduced: Use of gas chambers for animal euthanasia prohibited. Prohibits the use of gas chambers for animal euthanasia. This bill has a delayed effective date of October 1, 2008. VHDA supports

HB 114 Trap identification; permits hunters to attach an identification number to traps. Summary as introduced: Hunting; trap identification. Permits hunters to attach an identification number issued by the Department of Game and Inland Fisheries to traps. Currently, hunters may not set traps without attaching their name and address to the trap. VHDA Supports

HB 115 Submerged traps; licensed trappers allowed to visit every 72 hours. VHDA Supports

HB 207 Animal pounds, local; clarifies definition. Summary as introduced: Hunting; submerged traps. Authorizes the Director of the Department of Game and Inland Fisheries to allow licensed trappers to visit completely submerged, conibear-style, body-gripping traps every 72 hours, instead of every 24 hours.

See footnote #1

HB 217 Tethering of animals; makes certain acts associated therewith Class 3 misdemeanor. Summary as introduced: Tethering of animals. Makes certain acts associated with the tethering of animals a Class 3 misdemeanor. The bill prohibits such actions as (i) tethering an animal that is less than six months old, except in an emergency, (ii) tethering an animal that has not been spayed or neutered, except in an emergency, and (iii) using a tether weighing more than the animal can reasonably bear. Local governments are authorized to adopt an animal tethering ordinance that can be more restrictive than the proposed statute.

See footnote #1

(cont.)

HB 306 Animal control officers; training. Summary as introduced: Animal control officers; training. Requires that animal control officers receive training in a basic animal control course within one year of appointment. Currently, animal control officers are not required to receive such training for two years after appointment. Animal control officers will also receive continuing education every year, instead of every three years. The content of continuing education courses will contain training on enforcement and animal care laws.
See footnote #1

HB 319 Fishing permit, special; issued to patients from veterans or military hospitals. Summary as introduced: Special fishing permit. Allows the Director of the Department of Game and Inland Fisheries to permit any organized groups of patients residing in or receiving outpatient treatment from a veterans or military hospital in Virginia, an adjoining state, or the District of Columbia to fish without having to obtain licenses. They would be allowed to fish in any public waters including those stocked with trout. Currently, the Director can allow a group of persons residing in veterans hospitals to fish in state waters without a license but such a privilege does not extend to fishing in waters stocked with trout. VHDA strongly supports this bill to assist with the rehabilitation of America's Wounded and Disabled Heroes. Passed House Agriculture Committee 21-0 on 1/16/08

HB 457 Veterinarian & animal licensure; repeals requirement to provide treasurer with rabies information. Summary as introduced: Veterinarians and animal licensure. Repeals the requirement that veterinarians must provide the local treasurer with rabies certificate information, which the treasurers then use to collect license fees for companion animals. This law has been in effect since July 1, 2007, and provides a civil penalty of \$10 for a veterinarian that willfully fails to provide the vaccination certificates to the treasurer. VHDA Strongly supports

HB 464 Humane investigators; appointment by circuit court. Summary as introduced: Humane investigators. Restores the humane investigator program to its pre-2003 status. In 2003, the law was amended to limit (i) the number of humane investigators to those currently serving and (ii) the number of programs to those currently in operation. The 2003 bill allowed those appointed prior to July 1, 2003, to be reappointed for three-year terms. This bill removes the limitations placed on the program by the 2003 law. VHDA opposed this bill which was tabled in Agriculture Committee by unanimous vote 1/16/08

HB 537 Rabies vaccination certificates; exempts records sent to local treasurers from public access. Summary as introduced: Rabies vaccination certificates; public access; duties of local treasurers. Exempts records sent by veterinarians to local treasurers from public access under the Freedom of Information Act when such information is not contained in the animal license or license application. This will allow local treasurers to dispose of records sent from veterinarians. VHDA Strongly supports.

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HB 538 Commercial dog breeding operations; definition, penalty. Summary as introduced: Commercial dog breeding operations; penalty. Defines commercial breeders as persons who maintain 20 or more unsterilized adult females for commercial breeding purposes. Commercial breeders will be required to: (i) apply for a business license from their respective locality; (ii) cooperate with inspections by animal control officers to ensure compliance with state and federal animal care laws; (iii) create a fire emergency plan and install fire safety measures; (iv) maintain records of animal sales, purchases, breeding history, and veterinary care; (v) dispose of dead dogs and confined waste in accordance with law; and (vi) maintain no more than 50 adult dogs at one time. Commercial breeders that violate any of these provisions are guilty of a Class 1 misdemeanor. Pet shops must ensure that their dogs are purchased from dealers that are properly registered and licensed with the U.S. Department of Agriculture. VHDA strongly opposes this legislation and all similar bills

See footnote #1

HB 655 Dogs, dangerous; judicial discretion. Summary as introduced: Dangerous dogs; judicial discretion. Provides a court with the authority not to declare a dog to be a dangerous dog for good cause, based on the evidence before it. Currently, a court is required to declare a dog dangerous if there is any bite, attack, or injury to a person, even if the bite, attack, or injury is accidental or negligible. VHDA supports this bill to correct a rush to judgment from a previous Session. Bill passed Ag. Committee 21-0 on 1/16/08; 01/17/08 House: Read first time; 01/18/08 House: Read second time and engrossed

HB 656 Animal protection and fighting; broadens penalty. Summary as introduced: Animal protection and fighting; penalty. Broadens the Class 6 felony applicable to the crime of dogfighting to the fighting of any animals, including cocks, and the possession of any materials intended to enhance the ability of animals to fight. Attending an exhibition of animal fighting or permitting a minor to become involved in animal fighting is a Class 1 misdemeanor. Animals that are the subject of such criminal charges may be forfeited to the locality, but the owner may post bond to retain his ownership interest and repossess the animals if the court issues a finding of not guilty. Law-enforcement officers would be permitted to conduct searches at any time upon the issuance of warrants. Currently, such officers may only conduct searches during the day.

See footnote #1

HB 673 Animals; clarifies several standards of welfare. Summary as introduced: Animal welfare standards. Clarifies several standards of animal welfare. The amount of time an animal must be deserted to be considered "abandoned" is shortened from five consecutive days to 24 consecutive hours. "Adequate shelter" for tethered animals will require an enclosure large enough to provide separate eating and sleeping areas, both of which shall be at least 10 feet from a toilet area. "Adequate space" for tether animals will require that the tether is no more than 1/8th the weight of the animal and at least 20 times the length of the animal. "Adequate water" will require refreshment at least once every 12 hours and a container that cannot be overturned. The definition of "adoption" is broadened to include transfers of ownership from dealers.

See footnote #1

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HB 690 Companion animals; commercial breeding, penalty. Summary as introduced: Commercial breeding of companion animals; penalty. Requires state licensure of any person who breeds companion animals and is also required to be licensed by the U.S. Department of Agriculture. The Virginia Department of Agriculture and Consumer Services will issue licenses and collect an annual fee of \$150, which will be remitted to the localities where animal breeding facilities are located. Animal control officers are granted the authority to investigate any commercial breeding operation to ensure compliance with animal care laws.

See footnote #1

HB 691 Animal control officers; inspection of breeding facilities. Summary as introduced: Animal control officers; inspection of breeding facilities. Requires an animal control officer to make quarterly inspections of any premises in his jurisdiction where dealers breed companion animals. The animal control officer will ensure that dealers comply with state and federal standards for sanitation, licensure, adequate care.

See footnote #1

HB 872 Wearing blaze orange while hunting. Summary as introduced: Wearing blaze orange while hunting. Requires a hunter or any person who accompanies a hunter to wear blaze orange clothing during any firearms deer season, including the muzzleloader season. The bill also increases the amount of blaze orange clothing that has to be displayed from 100 square inches to 250 square inches. VHDA Strongly Opposes the unnecessary expansion from 100 sq. in. to 250 sq in.

HB 886 Bear hound training season. Summary as introduced: Bear hound training season. Allows the training of dogs to hunt bears at night. Currently, the training of dogs to hunt bears is limited to one-half hour before sunrise to one-half hour after sunset. VHDA Strongly supports this Virginia Bear Hunters Association Bill

HB 999 Animals; posting of bond by owners of those abandoned or cruelly treated. Summary as introduced: Bond for abandoned or cruelly treated animals. Provides that unless he is determined by the court to be unable to post bond or that the posting of bond would present a substantial financial hardship, the owner of any animal held by a humane investigator or animal control officer for more than 15 days shall post a bond with the locality for the amount of the cost of boarding the animal. Currently, the requirement to post bond is pursuant to local ordinance, if any has been passed, and the bond begins to accrue at 30 days rather than 15 days.

See footnote #1

HB 1016 Killing of deer over bait; local authority. Summary as introduced: Killing of deer over bait; local authority. Allows the Director of the Department of Game and Inland Fisheries to allow the killing of deer over bait in counties with a special late antlerless season when specifically requested by the governing body of the locality. DGIF Bill that VHDA supports

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HB 1088 Department of Game and Inland Fisheries; disclosure of official records; exceptions. Summary as introduced: Department of Game and Inland Fisheries; disclosure of official records; exceptions. Provides that records of the Department shall be subject to the disclosure provisions of the Freedom of Information Act, except that the social security number of individual applicants for or holders of any hunting, fishing, boating, or trapping license issued by an agent of the Department shall be withheld from public disclosure. The bill provides, however, that such information may be released (i) in accordance with a proper judicial order or (ii) to any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties. VHDA supports

HB 1175 Apprentice hunting license. Summary as introduced: Apprentice hunting license. Authorizes the Department of Game and Inland Fisheries to issue an apprentice hunting license. This license would be issued in lieu of the current state resident or nonresident basic hunting license. It is a one-time license that expires one year from the date of purchase and does not require the licensee to complete a hunter education course. The fee for obtaining the license would be \$10 for residents and \$20 for nonresidents. The purpose of the bill is to extend limited hunting privileges to persons interested in learning about hunting sports. A DGIF Bill that VHDA Strongly Supports

HB 1232 Overbreeding of cats and dogs; penalty. Summary as introduced: Overbreeding of cats and dogs; penalty. Prohibits any dealer from breeding more than 20 litters of dogs or cats, or selling more than 100 dogs or cats, in any year. Violators are guilty of a Class 3 misdemeanor.
See footnote #1

HB 1352 Board of Game and Inland Fisheries. Summary as introduced: Board of Game and Inland Fisheries. Reconstitutes the membership of the Board of Game and Inland Fisheries. The bill changes the criteria for appointment from the current requirement that there be a member chosen from each congressional district to at least one member, but no more than three, from each Department of Game and Inland Fisheries District. As a qualification for appointment, each Board member must have held a resident hunting or fishing license for three consecutive years. STRONGLY SUPPORT – VHDA Bill.
See footnote #2

HB 1361 Duties of Director of Department of Game and Inland Fisheries. Summary as introduced: Duties of Director of Department of Game and Inland Fisheries. Requires the Director to (i) submit a quarterly accounting of the expenses he has control over to the Secretary of Natural Resources for his review and approval and (ii) execute a surety bond conditioned upon the faithful performance of his duties. VHDA Strongly supports the Attorney General's Bill to increase accountability at DGIF.

HB 1362 Crimes; embezzlement of public funds. Summary as introduced: Crimes; embezzlement of public funds. Provides that embezzlement of public funds can result from the misuse or misappropriation of public assets. The term "public assets" is defined to include, but not be limited to, accounts, documents, resources, equipment, records, materials, vouchers, property, personnel resources, services, money, or anything of value belonging or owed to the Commonwealth, to any city, town or county, or to any other political subdivision. VHDA Strongly Supports the Attorney General's Bill
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HB 1456 Hunting; persons with bow and arrow or crossbow may hunt on Sundays. Summary as introduced: Hunting with bow and arrow or crossbow. Allows persons who hunt with a bow and arrow or crossbow to hunt on private lands on Sundays. VHDA Strongly Opposes any form of Sunday hunting. This bill is merely an attempt to put the camel's nose under the tent.

HB 1465 Dogfighting; violations include attending such fights. Summary as introduced: Dogfighting; penalty. Violations applicable to the crime of dogfighting would now include attending such fights; permitting a minor to engage in any of the punishable activities; and possessing any materials intended to train animals to fight or enhance the ability of animals for fight. Dogs that are the subject of such criminal charges may be forfeited to the locality, but the owner may post bond to retain his ownership interest and repossess the animals if the court issues a finding of not guilty. Animal control officers would be permitted to conduct searches at any time upon the issuance of warrants. Currently, only police officers may conduct such searches, and only during the day.

See footnote #1

HB 1473 Animal Identification System, National; Dept. of Agriculture & Consumer Services not to support. Summary as introduced: National Animal Identification System. Prohibits the Department of Agriculture and Consumer Services from supporting a mandatory National Animal Identification System, a USDA-sponsored program to register and track domestic animals and livestock. The Department of Agriculture and Consumer Services would not be prohibited from participating in discussions or attending meetings on the National Animal Identification System.

See footnote #1

HB 1482 Bears; non-lethal control measures. Damage from bears; non-lethal control measures. Authorizes the Director of the Department of Game and Inland Fisheries to employ non-lethal control measures to control bears that are damaging property. Currently the Director may relocate the bear, but is not explicitly authorized to use other non-lethal control measures such as fencing. Any such measures are permissible only if used within a reasonable period of time. A bill supported by DGIF and VHDA

HB 1486 Dealer permits; local ordinances pertaining to real estate taxes for euthanizing companion animals. Summary as introduced: Dealer permits.

See footnote #1

HB 1570 Companion animals; sterilization; penalty. Summary as introduced: Companion animals; sterilization; penalty. Requires that sellers of dogs and cats adhere to the same sterilization requirements currently applied to releasing agencies, such as shelters and pounds. Breed improvers, fancier breeders, and hobby breeders would be exempt from the requirements. Violators would be subject to a civil penalty of not more than \$150, while persons fraudulently claiming exemption would be subject to a civil penalty of \$1,000. VHDA Strongly Opposes

See footnote #1

HJ 163 Companion animals; joint subcommittee to study issues relating thereto. VHDA Strongly SUPPORTS

See footnote #1

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HJ 231 Game and Inland Fisheries, Board of; Board & Department to provide for citizen input in regulations. Summary as introduced: Board of Game and Inland Fisheries resolution. Expresses the sense of the General Assembly that the Board of Game and Inland Fisheries and the Department of Game and Inland Fisheries provide for greater citizen input in the formulation of wildlife regulations. A bill supported by DGIF and VHDA

Senate of Virginia Bills

SB 263 Retrieving hunting dogs. Summary as introduced: Retrieving hunting dogs. Requires the revocation of the hunting license for the current and the next hunting seasons as well as the forfeiture of the firearm or bow and arrow of any person who is convicted of carrying such weapons on another person's property while he is retrieving his hunting dogs. VHDA STRONGLY OPPOSES

SB 365 Hunting turkeys. Summary as introduced: Hunting turkeys. Authorizes localities to prohibit the hunting of turkeys with a rifle. The penalty for violation of the local ordinance is a Class 4 misdemeanor.

See footnote #3

SB 498 Gas chambers; prohibits use thereof for euthanizing companion animals. Summary as introduced: Gas chambers. Prohibits the use of gas chambers for euthanizing companion animals. This is emergency legislation. Support

SB 524 Hunting on Sunday. Summary as introduced: Hunting on Sunday. Allows a person to hunt or kill any wild bird or wild animal on Sundays. Strongly Oppose

SB 552 Fishing license; exemptions for persons assisting disabled persons. Summary as introduced: Fishing license; exemptions for persons assisting disabled persons. Exempts nondisabled persons from having to obtain a fishing license when assisting a disabled person to fish as long as the disabled person possesses a valid fishing license. There is already an exemption for those assisting disabled hunters, and this exemption will now extend to disabled fishermen. Support

SB 592 Animal protection and fighting; penalty. Summary as introduced: Animal protection and fighting; penalty. Broadens the Class 6 felony applicable to the crime of dogfighting to the fighting of any animals, including cocks, and the possession of any materials intended to enhance the ability of animals to fight. Attending an exhibition of animal fighting or permitting a minor to become involved in animal fighting is a Class 1 misdemeanor. Animals that are the subject of such criminal charges may be forfeited to the locality, but the owner may post bond to retain his ownership interest and repossess the animals if the court issues a finding of not guilty. Law-enforcement officers would be permitted to conduct searches at any time upon the issuance of warrants. Currently, such officers may only conduct searches during the day. See footnote #1

(cont.)

SB 617 Apprentice hunting license. Summary as introduced: Apprentice hunting license. Authorizes the Department of Game and Inland Fisheries to issue an apprentice hunting license. This license would be issued in lieu of the current state resident or nonresident basic hunting license. It is a one-time license that expires one year from the date of purchase and does not require the licensee to complete a hunter education course. The fee for obtaining the license would be \$10 for residents and \$20 for nonresidents. The purpose of the bill is to extend limited hunting privileges to persons interested in learning about hunting sports. Support

SB 663 Local fees for companion animals. Summary as introduced: Local fees for companion animals. Removes the cap that localities may charge for the burial or cremation of animals; increases the license fee cap for cats and dogs from \$10 to \$25; and authorizes localities to charge additional fees for the repeated impoundment of the same animal. Strongly Oppose
See footnote #1

SB 708 Urban archery season; incorporate regulations consistent with daily hunting provisions. Summary as introduced: Urban archery season. Requires the Board of Game and Inland Fisheries to incorporate in its regulations for the urban archery season provisions that are consistent with the daily hunting provisions contained in the regulations for controlled shooting areas. Support

Footnotes and Comments

1 Because of the emotion surrounding the Michael Vick Dog fighting case and the "puppy mill case" that both received a great deal of media attention and emotional response, the VHDA believes that all such legislation should be referred to the Rules Committee for the creation of a study committee. Any other action may create a rush to judgment and bad legislation.

2 This is a good Government Bill to reduce the political impact on DGIF Board Members and to increase policy discussion on the Board by having the legislature make some of the appointments. Board members would no longer serve at the pleasure of the appointing authority (currently the Governor), but if passed would serve their full term in good conduct without fear of being removed. Please read the full bill.

#3 No Position at this time, except to say more Goochland Sportsmen's input is needed on this bill and that we hope this will not lead to a patch regulation county by county. Local options such as proposed here lead to problems everywhere.

Questions or comments? Email us at info@vahda.org