

The Senate Committee on Natural Resources and the Environment offered the following substitute to HB 998:

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 change the effective date of rules and regulations promulgated by the Board of Natural
3 Resources; to revise the implied consent warning for hunting under the influence; to amend
4 Code Section 52-7-12.5 of the Official Code of Georgia Annotated, relating to ordering drug,
5 alcohol, or other substance tests and implied consent notice relative to operation of
6 watercraft, so as to revise the implied consent warning; to amend Article 3 of Chapter 3 of
7 Title 50 of the Official Code of Georgia Annotated, relating to other state symbols, so as to
8 designate the shoal bass as the official Georgia state riverine sport fish; to provide for
9 legislative findings; to amend Part 1 of Article 1 of Chapter 3 of Title 27, relating to hunting
10 generally, so as to amend a sunset date; to dispense with certain reports by the department
11 to the General Assembly; to provide for related matters; to provide an effective date; to
12 repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**PART I**
15 style="text-align:center">**SECTION 1-1.**

16 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by
17 revising Code Section 27-1-39, relating to rules and regulations used to establish criminal
18 violations, as follows:

19 "27-1-39.

20 Notwithstanding any other law to the contrary, for purposes of establishing criminal
21 violations of the rules and regulations promulgated by the Board of Natural Resources as
22 provided in this title, the term 'rules and regulations' means those rules and regulations of
23 the Board of Natural Resources in force and effect on January 1, ~~2019~~ 2020."

24

SECTION 1-2.

25 Said title is further amended in Code Section 27-3-7, relating to hunting under the influence
26 of alcohol or drugs, by revising paragraph (2) of subsection (g) as follows:

27 "(2) At the time a chemical test or tests are requested, the arresting officer shall read to
28 the person the following implied consent warning:

29 "The State of Georgia has conditioned your license to hunt in this state upon your
30 submission to state administered chemical tests of your blood, breath, urine, or other
31 bodily substances for the purpose of determining if you are under the influence of
32 alcohol or drugs. If you refuse this testing and you are convicted of hunting while
33 under the influence of alcohol or drugs, your ability to lawfully hunt in this state will
34 be suspended for a period of two years. Your refusal to submit to blood or urine testing
35 may be offered into evidence against you at trial. If you submit to testing and the
36 results indicate an alcohol concentration of 0.08 grams or more and if you are
37 subsequently convicted of hunting under the influence of alcohol by having an alcohol
38 concentration of 0.08 grams or more at any time within three hours after hunting from
39 alcohol consumed before such hunting ended, your ability to lawfully hunt in this state
40 will be suspended for a period of one year. After first submitting to the ~~required~~
41 requested state tests, you are entitled to additional chemical tests of your blood, breath,
42 urine, or other bodily substances at your own expense and from qualified personnel of
43 your own choosing. Will you submit to the state administered chemical tests of your
44 (designate which test)?"

45

SECTION 1-3.

46 Code Section 52-7-12.5 of the Official Code of Georgia Annotated, relating to ordering drug,
47 alcohol, or other substance tests and implied consent notice relative to operation of
48 watercraft, is amended by revising subsection (b) as follows:

49 "(b) At the time a chemical test or tests are requested, the arresting officer shall select and
50 read to the person the appropriate implied consent warning from the following:

51 (1) Implied consent notice for suspects under 21 years of age:

52 "The State of Georgia has conditioned your privilege to operate a vessel on the waters
53 of this state upon your submission to state administered chemical tests of your blood,
54 breath, urine, or other bodily substances for the purpose of determining if you are under
55 the influence of alcohol or drugs. If you refuse this testing, your privilege to operate
56 a vessel on the waters of this state will be suspended for a minimum period of one year.
57 Your refusal to submit to blood or urine testing may be offered into evidence against
58 you at trial. If you submit to testing and the results indicate an alcohol concentration
59 of 0.02 grams or more or the presence of any illegal drug, your privilege to operate a

60 vessel on the waters of this state may be suspended for a minimum period of one year.
 61 After first submitting to the ~~required~~ requested state tests, you are entitled to additional
 62 chemical tests of your blood, breath, urine, or other bodily substances at your own
 63 expense and from qualified personnel of your own choosing. Will you submit to the
 64 state administered chemical tests of your (designate which test)?'; or

65 (2) Implied consent notice for suspects 21 years of age or older:

66 "The State of Georgia has conditioned your privilege to operate a vessel on the waters
 67 of this state upon your submission to state administered chemical tests of your blood,
 68 breath, urine, or other bodily substances for the purpose of determining if you are under
 69 the influence of alcohol or drugs. If you refuse this testing, your privilege to operate
 70 a vessel on the waters of this state will be suspended for a minimum period of one year.
 71 Your refusal to submit to blood or urine testing may be offered into evidence against
 72 you at trial. If you submit to testing and the results indicate an alcohol concentration
 73 of 0.08 grams or more or the presence of any illegal drug, your privilege to operate a
 74 vessel on the waters of this state may be suspended for a minimum period of one year.
 75 After first submitting to the ~~required~~ requested state tests, you are entitled to additional
 76 chemical tests of your blood, breath, urine, or other bodily substances at your own
 77 expense and from qualified personnel of your own choosing. Will you submit to the
 78 state administered chemical tests of your (designate which test)?'

79 If any such notice is used by a law enforcement officer to advise a person of his or her
 80 rights regarding the administration of chemical testing, such person shall be deemed to
 81 have been properly advised of his or her rights under this Code section and under Code
 82 Section 52-7-12.6, and the results of any chemical test, or the refusal to submit to a test
 83 of such person's blood or urine, shall be admitted into evidence against such person.
 84 Such notice shall be read in its entirety but need not be read exactly so long as the
 85 substance of the notice remains unchanged."

86

PART II

87

SECTION 2-1.

88 The General Assembly finds that:

89 (1) The shoal bass has unique sporting qualities; occurs in abundance in the Flint,
 90 Chattahoochee, and Ocmulgee rivers; and is dependent upon clean, flowing water;

91 (2) This unique native riverine sport fish moves dozens, and at times hundreds, of miles
 92 to complete its spawning and other life stages and is therefore dependent upon long,
 93 unobstructed segments of Georgia's rivers, in addition to high-quality shoal habitats; and

94 (3) Both the hard rock formations of Georgia's piedmont region and the lime rock
 95 formations of Georgia's coastal plain are important to the shoal bass, and important
 96 fishing and tourist economies are structured around this unique native riverine sport fish.

97 **SECTION 2-2.**

98 Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to other
 99 state symbols, is amended by adding a new Code section to read as follows:

100 "50-3-89.

101 The shoal bass (*Micropterus cataractae*) is designated as the official Georgia state riverine
 102 sport fish."

103 **PART III**

104 **SECTION 3-1.**

105 Part 1 of Article 1 of Chapter 3 of Title 27, relating to hunting generally, is amended by
 106 revising paragraph (9) of subsection (a) of Code Section 27-3-4, relating to legal weapons
 107 for hunting wildlife generally, use of silencers and suppressors prohibited, and penalty for
 108 violations, as follows:

109 "(9) For purposes of this subsection, the term 'air gun' means any pistol, handgun, or
 110 shoulder-held device, each of not less than 0.30 caliber, or air bow that propels a projectile
 111 in the form of a slug, shot, or arrow equipped with a broadhead utilizing unignited
 112 compressed air or gas. Air guns are legal weapons for hunting big game only during
 113 primitive weapon hunts, primitive weapon seasons, and firearm seasons. This paragraph
 114 shall stand repealed effective ~~July 1, 2020~~ July 1, 2025, unless continued in effect by the
 115 General Assembly prior to that date. At its ~~2020~~ 2025 regular session, the General
 116 Assembly shall review this paragraph to determine whether it should be continued in
 117 effect."

118 **SECTION 3-2.**

119 Said part is further amended by revising subsection (g) of Code Section 27-3-15, relating to
 120 hunting seasons and bag limits, as follows:

121 "~~(g)(1) The department shall report to the General Assembly on or before the fifth day of~~
 122 ~~February of each year the estimated number of deer killed, by sex, in the immediately~~
 123 ~~preceding season.~~

124 ~~(2) Upon completion of its annual analysis of data from the immediately preceding~~
 125 ~~season, the department shall report to the General Assembly on the same day that it~~
 126 ~~reports to the Board of Natural Resources each year the actual number of deer killed, by~~
 127 ~~sex, in the immediately preceding season."~~

128

PART IV

129

SECTION 4-1.

130 This Act shall become effective upon its approval by the Governor or upon its becoming law
131 without such approval.

132

SECTION 4-2.

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