

Overview of Virginia Law

Statutes and Regulations Hunting with Hounds for Deer and Bear



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Topics covered

- Presenter Backgrounds
- Presentation Scope
- Statutes and regulations intersecting property rights and hound hunting
- Additional Information
- Q&A



Presenter Backgrounds

- Ryan Brown
- Paul Kugelman



Presentation Scope

- Overview of the current state of the law where property rights and hound hunting intersect
- Not intended to make you an expert
- Intended to inform your discussions and recommendations
- Nothing presented is legal advice
- This presentation is not the formation of an attorney-client relationship



Legislation and Regulations

- What follows is an overview of laws that intersect property rights and hound hunting.
- This is not intended to be an all-inclusive presentation of all laws that must be followed by a hunter; just those that are most pertinent to the committee's discussions. For instance, it does not include license requirements, bag limits, etc.
- Topics to be covered
 - Crimes against Real Property
 - Crimes against Personal Property
 - Applicable Hunting Laws and Regulations



Crimes against Real Property

- Any person who goes on the lands, waters, ponds, boats or blinds of another to hunt, fish or trap without the consent of the landowner or his agent shall be deemed guilty of a Class 3 misdemeanor. § 18.2-132.
- Any person who goes on the lands, waters, ponds, boats or blinds of another, which have been posted in accordance with the provisions of § 18.2-134.1, to hunt, fish or trap except with the written consent of or in the presence of the owner or his agent shall be guilty of a Class 1 misdemeanor. § 18.2-134



Crimes against Real Property

- Any person who goes on the lands, waters, ponds, boats or blinds of another to hunt, fish, or trap and willfully refuses to identify himself when requested by the landowner or his agent to do so shall be deemed guilty of a Class 4 misdemeanor. § 18.2-133



Crimes against Real Property

- Fox hunters and raccoon hunters, when the chase begins on other lands, may follow their dogs on prohibited lands, and hunters of all other game, when the chase begins on other lands, may go upon prohibited lands to retrieve their dogs, . . . but may not carry firearms or bows and arrows on their persons or hunt any game while thereon. The use of vehicles to retrieve dogs, on prohibited lands shall be allowed only with the permission of the landowner or his agent.

Any person who goes on prohibited lands to retrieve his dogs. . . pursuant to this section and who willfully refuses to identify himself when requested by the landowner or his agent to do so is guilty of a Class 4 misdemeanor. § 18.2-136



Crimes against Real Property

- Any person who intentionally releases hunting dogs on the lands of another which have been posted in accordance with the provisions of § 18.2-134.1 to hunt without the consent of the landowner or his agent is guilty of a Class 3 misdemeanor. A second or subsequent violation of this section within three years is a Class 1 misdemeanor and, upon conviction, the court shall revoke such person's hunting or trapping license for a period of one year. The fact that hunting dogs are present on the lands of another alone is not sufficient evidence to prove that the person acted intentionally. § 18.2-132.1



Crimes against Personal Property

- The Comprehensive Animal Care Laws (3.2-6500 et seq.) contain various provisions related to the care of and acts of cruelty to animals, including hunting dogs.
- It is unlawful to ill-treat, torture, willfully inflict inhumane injury or pain, cruelly or unnecessarily beat, maim, mutilate, or kill animals addressed by the CAC laws.
- It is also unlawful to deprive any animal of necessary food, drink, shelter, or emergency veterinary treatment.
- Various authorities are also granted to localities to carry out the laws.



Crimes against Personal Property

Any person who removes an electronic or radio transmitting device from a dog . . . without the permission of the owner and with the intent to prevent or hinder the owner from locating the dog . . . is guilty of a Class 1 misdemeanor. Upon a finding of guilt, the court shall order that the defendant pay as restitution the actual value of any dog . . . lost or killed as a result of such removal. The court may also order restitution to the owner for any lost breeding revenues. § 18.2-97.1



Applicable Hunting Laws and Regulations

§ 29.1-520. Times for hunting

A. . . . Bears may be hunted without capturing or taking from 4:00 a.m. until 10:00 p.m. during bear hound training season.

. . .

C. A violation of this section shall be punishable as a Class 3 misdemeanor.



Applicable Hunting Laws and Regulations

4VAC15-50-110. Use of dogs in hunting bear.

A. It shall be unlawful to use dogs for the hunting of bear on the Saturday prior to the third Monday in November and for 15 consecutive days following in the counties west of the Blue Ridge Mountains and in the Counties of Amherst (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the town of Amherst continuing north on U.S. 29 to the Tye River), Bedford, and Nelson (west of Route 151) and within the boundaries of the national forests, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

B. It shall be unlawful to use dogs for the hunting of bear on the Saturday prior to the third Monday in November and for 13 consecutive days following in the Counties of Greene and Madison, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

C. It shall be unlawful to use dogs for the hunting of bear during the open season prescribed in 4VAC15-50-11 in the Counties of Campbell (west of Norfolk Southern Railroad), Carroll (east of the New River), Fairfax, Floyd, Franklin, Grayson (east of the New River), Henry, Loudoun, Montgomery (south of Interstate 81), Patrick, Pittsylvania (west of Norfolk Southern Railroad), Pulaski (south of Interstate 81), Roanoke (south of Interstate 81), and Wythe (southeast of the New River or that part bounded by Route 21 on the west, Interstate 81 on the north, the county line on the east, the New River on the southeast, and Cripple Creek on the south); in the City of Lynchburg; and on Amelia, Chester F. Phelps, G. Richard Thompson, and Pettigrew Wildlife Management Areas, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.



Applicable Hunting Laws and Regulations

4VAC15-50-120. Bear hound training season.

A. It shall be lawful to chase black bear with dogs, without capturing or taking, from August 1 through the last Saturday in September, both dates inclusive, in the Counties of Albemarle, Alleghany, Amherst, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Carroll, Charlotte, Craig, Culpeper, Dickenson, Floyd, Franklin, Giles, Grayson (east of Route 16), Greene, Greensville, Highland, Lee, Lunenburg, Madison, Mecklenburg, Montgomery, Nelson, Page, Pulaski, Rappahannock, Roanoke (west of I-81), Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth (except for the part southeast of I-81 and west of State Route 16), Tazewell, Warren, Washington (northwest of I-81), Wise, and Wythe and in the Cities of Chesapeake, Suffolk, and Virginia Beach.

B. It shall be lawful to chase black bear with dogs, without capturing or taking, from the Saturday prior to the third Monday in November and for 14 days following, both dates inclusive, in the Counties of Amelia, Appomattox, Buckingham, Brunswick, Campbell (east of the Norfolk Southern Railroad), Charles City, Charlotte, Cumberland, Dinwiddie, Essex, Gloucester, Greensville, Halifax, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lunenburg, Mathews, Mecklenburg, Middlesex, New Kent, Northumberland, Nottoway, Pittsylvania (east of the Norfolk Southern Railroad), Prince Edward, Prince George, Richmond, Southampton, Surry, Sussex, Westmoreland, and York.

C. It shall be unlawful to have in possession a firearm, bow, crossbow, or any weapon capable of taking a black bear while participating in the bear hound training season. The meaning of "possession" for the purpose of this section shall include having a firearm, bow, crossbow, or any weapon capable of taking a black bear in or on one's person, vehicle, or conveyance.



Applicable Hunting Laws and Regulations

§ 29.1-516. Game animals [excerpt].

- The following provisions shall apply to the killing and hunting of the particular game animals listed:
 - Black bear. -- A black bear may be killed by any person when (i) it is inflicting or attempting to inflict injury to a person or (ii) when a person is in pursuit of the bear commenced immediately after the commission of such offense. Any person killing a bear under this provision shall immediately report the killing to a state conservation police officer.
 - Deer. -- It is unlawful for a person to kill or attempt to kill a deer in the water of any stream, lake, or pond. It is unlawful to hunt deer with dogs in the counties west of the Blue Ridge Mountains.
 - Fox. -- There is a continuous open season for hunting with dogs only. The hunting or pursuit of foxes shall mean the actual following of the dogs while in pursuit of a fox or foxes or the managing of the dog or dogs, including by the use of a Global Positioning System (GPS) or other electronic tracking device, while the fox or foxes are being hunted or pursued. Nothing in this section shall preclude the managing of dogs by the use of a GPS or other electronic tracking device by hunters when hunting other game animals. Foxes may be killed at any time by the owner or tenant of any land when such animals are doing damage to domestic stock or fowl.



Applicable Hunting Laws and Regulations

4VAC15-90-260. Hunting with dogs prohibited in certain counties and areas.

A. Generally. It shall be unlawful to hunt deer with dogs in the counties of Amherst (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River), Bedford, Campbell (west of Norfolk Southern Railroad, and in the City of Lynchburg), Fairfax, Franklin, Henry, Loudoun, Nelson (west of Route 151), Northampton, Patrick and Pittsylvania (west of Norfolk Southern Railroad); and on the Amelia, Chester F. Phelps, G. Richard Thompson and Pettigrew Wildlife Management Areas, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia may be used.

B. Special provision for Greene and Madison counties. It shall be unlawful to hunt deer with dogs on the Saturday prior to the third Monday in November and for 13 consecutive days following in the Greene and Madison Counties, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia may be used.

C. It shall be unlawful to hunt deer with dogs in any county or city during open deer season for antlerless deer only as defined in 4VAC15-90-10.



Applicable Hunting Laws and Regulations

- By way of general overview, hunters should not be hunting with dogs on Sundays or during any archery or muzzleloader season if using that tackle. There is an exception for the use of tracking dogs to find wounded game. § 29.1-516.1
- Tracking dogs maintained and controlled on a lead may be used to find a wounded or dead bear, turkey, or deer statewide during any archery, muzzleloader, or firearm bear, turkey, or deer hunting season, or within 24 hours of the end of such season, provided that those who are involved in the retrieval effort have permission to hunt on or to access the land being searched. A licensed hunter who is engaged in such tracking may have in his possession a weapon permitted under this title and may use such weapon to humanely kill the wounded bear, deer, or turkey being tracked, including after legal shooting hours. Such weapon shall not be used to hunt, wound, or kill any animal other than the animal that the hunter is tracking, except in self-defense. § 29.1-516.1



Applicable Hunting Laws and Regulations

- Any person engaged in lawful hunting with a dog shall ensure that the dog has a tag identifying the name of the owner or custodian and a current phone number. The tag shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. § 29.1-516.2



Applicable Hunting Laws and Regulations

- Local Ordinances—the Code of Virginia empowers localities to enact various laws that apply to hunting within their jurisdictions. For example:
 - Local firearms Ordinances governing weapon types that may be used.
 - Hunting within certain distances of roadways.
- Compilation of these ordinances can be found on pages 23-25 of the Hunting and Trapping in Virginia Digest (July 2023-June 2024).



Additional Information

- Hunting with Hounds in Virginia: a way forward, Technical Report (November 2008), Chapter 5 – Legal Aspects (note that there have been a few changes since that time)
- Hunting & Trapping in Virginia (July 2023-June 2024), pp. 15 (Sunday Hunting); 17-18 (Hunting with Dogs, Training Dogs); 22 (Other Weapons Usage); 28 (Bear Hunting – Archery – Legal Methods and Restrictions; Youth and Apprentice Bear Hunting Weekend); 29 (Bear Hunting – Muzzleloader – Legal Methods and Restrictions); and 37 (Youth and Apprentice Deer Hunting Weekend).



Questions

