



His Vision

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Our Mission

February 2, 2024

Delegate Vivian E. Watts, Chair
House Courts of Justice – Criminal Committee
General Assembly Building
201 North 9th Street,
Richmond, Virginia 23219

Dear Chair Watts,

The Theodore Roosevelt Conservation Partnership, a national conservation, hunting, and fishing advocacy organization dedicated to guaranteeing all Americans quality opportunities to hunt and fish, is strongly opposed to HB 928. The TRCP has nearly 5,000 members who are Virginia residents, as well as partner organizations including the Virginia Saltwater Sportfishing Association and American Sportfishing Association, headquartered in the Commonwealth.

The property rights protections in this bill are already written into the Code of Virginia, rendering such amendments unnecessary. Our members have serious concerns that the provisions of this bill are both unreasonable and unjustifiable, as they afford special protections for commercial fishermen and the owners and captains of commercial fishing vessels over all other citizens, boaters, and property owners in the Commonwealth. There is also concern a broad application of this law could be used to, in effect, eliminate access to fishing opportunities for recreational fishing activities for anglers who should be afforded the same access and protections as commercial operations.

Protections against threats, both verbally and over public airways, are already written into law in Virginia. Sections 18.2-60¹ and 18.2-416² of the Code of Virginia already state that threatening to kill or do bodily injury to another person is subject to a Class 6 felony and that any violent, abusive language against any person is subject to a Class 3 misdemeanor. Section 18.2-427³ of the Code of Virginia also states that any threatening, harassing, or intimidating language made to another person via electronically transmitted communication is subject to Class 1 misdemeanor charges. Therefore, Section B of HB 928, which would impart a Class 6 felony for any person doing the same things is an unnecessary addition to the administrative code. Section B of HB 928 would also establish a more severe criminal violation for a person threatening someone engaged in commercial fishing than for any other person engaged in any activity, or none at all. It is

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¹ Code of Virginia 18.2-60: <https://law.lis.virginia.gov/vacode/title18.2/chapter4/section18.2-60/>

² Code of Virginia 18.2-416: <https://law.lis.virginia.gov/vacode/title18.2/chapter9/section18.2-416/>

³ Code of Virginia 18.2-427: <https://law.lis.virginia.gov/vacode/title18.2/chapter9/section18.2-427/>

unjustifiable that someone engaging in commercial fishing should receive special protections against threats and intimidation as compared to any other person in the Commonwealth.

Extensive property protection laws for every property owner in the Commonwealth are also already written into law in Virginia. Section 18.2-146⁴ of the Code of Virginia already states that the intentional damage, injury, or destruction of a boat or vessel is subject to Class 1 misdemeanor charges. Section 18.2-150⁵ of the Code of Virginia also states that the willful destruction of any vessel, ship, watercraft, and/or the injury of the owner and/or property onboard is subject to a Class 4 felony. Therefore, Section C of HB 928, which would impart a Class 6 felony for any person taking any of those same actions, is another unnecessary addition to the administrative code already in place. Furthermore, Section C of HB 928 would impart more severe criminal penalties for a person damaging a commercial fishing vessel than a person damaging any other vessel, vehicle, aircraft, or boat.

There are multiple boating safety laws already written into law in Virginia that complement the current laws protecting against threats of harm. Section 29.1-735⁶ of the Code of Virginia allows the Marine Resources Commission to adopt reasonable vessel operation rules to reduce the risk of collision, personal injury, and property damage. Section 29.1-738.01⁷ of the Code of Virginia states that improper boating is subject to a Class 3 misdemeanor, while Section 29.1-738.03⁸ states that reckless operation of a motorboat or vessel is subject to a Class 1 misdemeanor. Section A of HB 928 would make a person who approaches a commercial fishing vessel without consent of the owner or captain guilty of a Class 1 misdemeanor, if that owner or captain asserts that the person intended to harass or intimidate them. Once again, HB 928 would afford special protections for commercial fishing vessel operators and not others on the water in any other type of vessel or motorboat, which is both unreasonable and unjust.

A nearly identical bill, HB 1465, was referred to the Committee for Courts of Justice. The only material difference in text between the two bills is that HB 1465 specifies in Section A that a person could not approach within 50 feet of a commercial fishing vessel to intimidate or harass, without the consent of the owner or captain. We strongly oppose this bill for the same reasons provided above. There is no legal justification for separate protections against threats nor property rights for commercial fishermen over anyone else in the Commonwealth.

As representatives for the recreational angling and boating community in Virginia, and along the Atlantic coast, we urge you to oppose HB 928 and

⁴ Code of Virginia 18.2-146: <https://law.lis.virginia.gov/vacode/title18.2/chapter5/section18.2-146/>

⁵ Code of Virginia 18.2-150: <https://law.lis.virginia.gov/vacode/title18.2/chapter5/section18.2-150/>

⁶ Code of Virginia 29.1-735: <https://law.lis.virginia.gov/vacode/title29.1/chapter7/section29.1-735/>

⁷ Code of Virginia 29.1-738.01: <https://law.lis.virginia.gov/vacode/title29.1/chapter7/section29.1-738.01/>

⁸ Code of Virginia 29.1-738.03: <https://law.lis.virginia.gov/vacode/title29.1/chapter7/section29.1-738.03/>

maintain the current legal statutes that afford equal protections to safety and property for all Virginians. Thank you for your consideration.

Sincerely,

Jaclyn Higgins

Forage Fish Program Manager

Theodore Roosevelt Conservation Partnership