

HOUSE BILL NO. 1574

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on/for \_\_\_\_\_)

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Hesel)

A BILL to amend and reenact § 28.2-511 of the Code of Virginia, relating to Marine Resources Commission; oysters; culling.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 28.2-511 of the Code of Virginia is amended and reenacted as follows:**

**§ 28.2-511. Culling oysters; penalty.**

A. 1. In addition to any other penalty prescribed by law, any person charged with violating any regulation governing the culling of oysters shall be required, by the officer making the charge, to scatter the entire cargo of oysters on the public rocks under the supervision of the officer and at the expense of the person charged with the violation. No portion of the cargo of oysters shall be scattered anywhere other than on the public rocks.

2. In lieu of throwing the cargo overboard, the person charged with the violation may post cash bond with the officer in an amount approximately equal to the value of the entire load as determined by the officer.

3. The refusal to either dump the oysters overboard or post a cash bond is a distinct and separate offense from any other violation. A person who has posted a cash bond and is acquitted shall be refunded the cash bond. If the person is found guilty, the cash bond shall be forfeited and deposited to the credit of the Oyster Replenishment Fund.

4. Any person charged with ~~such~~ a violation of a regulation who posts cash bond shall properly cull the entire cargo of oysters immediately after the officer has found ~~them~~ the oysters to be in violation of such regulation and before they can be sold, planted, or disposed of by him or by any other person.

