

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 22.**  
**CRIMINAL OFFENSES AND PENALTIES.**

**CHAPTER 43.**  
**GAME AND FISH LAWS.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 43. GAME AND FISH LAWS.

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## CHAPTER 43. GAME AND FISH LAWS.

**§§ 22-4301 TO 22-4306. PROHIBITION AND CONTROL OF NET FISHING IN POTOMAC RIVER; CATCHING AND KILLING BASS; "PERSON" DEFINED; SALE OF BASS PROHIBITED; SALE AND POSSESSION OF SHAD OR HERRING; SALE OF SMALL STRIPED BASS; USE OF EXPLOSIVES AND DRUGS IN FISHING PROHIBITED.[REPEALED]**

(Aug. 23, 1958, 72 Stat. 815, Pub. L. 85-730, § 8(a), (e).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., §§ 22-1601 to 22-1606.

### **§ 22-4307. PENALTIES.[TRANSFERRED]**

### *HISTORICAL AND STATUTORY NOTES*

#### *Editor's Notes*

This section was transferred to § 22-1703a [§ 22-4404, 2001 Ed.] by the Act of August 23, 1958, 72 Stat. 815, Pub. L. 85-730, § 7.

**§§ 22-4308 TO 22-4327. CONFISCATION OF FISHING EQUIPMENT USED IN VIOLATION OF THE LAW; SALE AND POSSESSION OF WOODCOCKS, SQUIRRELS, RABBITS, WILD CHICKS, WILD GEESE, AND CERTAIN GAME BIRDS; INSPECTION OF PREMISES TO DETECT VIOLATION OF GAME LAWS; TRESPASSING FOR PURPOSES OF HUNTING; SHOOTING OR HAVING GUNS IN POSSESSION ON A SUNDAY; KILLING OR CAPTURING GAME BEYOND DISTRICT JURISDICTION; COMPENSATION FOR PERSONS SECURING CONVICTIONS UNDER GAME LAWS; KILLING GAME BIRDS AND PERMITS THEREFOR; HUNTING SQUIRRELS, CHIPMUNKS AND RABBITS WITHOUT A PERMIT; KILLING OF ENGLISH SPARROW OR WILD ANIMAL SUFFERING FROM DISEASE OR INJURY; HUNTING OR DISBURSING OF DUCKS, GEESE, AND WATERFOWL; SALE, POSSESSION, OR PURCHASE OF CERTAIN TYPES OF BIRDS PROHIBITED; LICENSE FOR CERTAIN SCIENTIFIC PURPOSES; SALE OF BIRDS RAISED IN CAPTIVITY OR FOR PROPAGATION.[REPEALED]**

(Aug. 23, 1958, 72 Stat. 815, Pub. L. 85-730, § 8(a)-(d).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., §§ 22-1608 to 22-1627.

**§ 22-4328. COUNCIL'S AUTHORITY WITH RESPECT TO WILD ANIMALS, FISHING LICENSES, AND MIGRATORY BIRDS; EXCEPTION; "WILD ANIMALS" DEFINED.**

The Council of the District of Columbia is authorized to restrict, prohibit, regulate, and control hunting and fishing and the taking, possession, and sale of wild animals in the District; provided, that the District

assents to the provisions of the Dingell-Johnson Sport Fish Restoration Act, approved August 9, 1950 (64 Stat. 430; 16 U.S.C. §§ 777-777n), the Pittman-Robertson Wildlife Restoration Act, approved September 2, 1937 (50 Stat. 917; 16 U.S.C. §§ 669-669k), and 18 U.S.C. § 701, including a prohibition against the diversion of fishing license fees paid by sport fishermen for any purpose other than the administration of the District's fish and wildlife agency; provided further, that nothing herein contained shall authorize the Council to prohibit, restrict, regulate, or control the killing, capture, purchase, sale, or possession of migratory birds as defined in regulations issued pursuant to the Migratory Bird Treaty Act of July 3, 1918, as amended (16 U.S.C. §§ 703-712) and taken for scientific, propagating, or other purposes under permits issued by the Secretary of the Interior; and provided further, that nothing herein contained shall authorize the Council to prohibit, restrict, regulate, or control the sale or possession of wild animals taken legally in any state, territory or possession of the United States or in any foreign country, or produced on a game farm, except as may be necessary to protect the public health or safety. As used in this section the term "wild animals" includes, without limitation, mammals, birds, fish, and reptiles not ordinarily domesticated.

(Aug. 23, 1958, 72 Stat. 814, Pub. L. 85-730, § 1; Sept. 24, 2010, D.C. Law 18-223, § 6082, 57 DCR 6242.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 22-1628.

1973 Ed., § 22-1628.

##### *Effect of Amendments*

D.C. Law 18-223 substituted "provided, that the District assents to the provisions of the Dingell-Johnson Sport Fish Restoration Act, approved August 9, 1950 (64 Stat. 430; 16 U.S.C. §§ 777-777n), the Pittman-Robertson Wildlife Restoration Act, approved September 2, 1937 (50 Stat. 917; 16 U.S.C. §§ 669-669k), and 18 U.S.C. § 701, including a prohibition against the diversion of fishing license fees paid by sport fishermen for any purpose other than the administration of the District's fish and wildlife agency" for "provided, that nothing herein contained shall authorize the Council to impose any requirement for a fishing license or fee of any nature whatsoever".

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 6082 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

##### *Legislative History of Laws*

Law 18-223, the "Fiscal Year 2011 Budget Support Act of 2010", was introduced in Council and assigned Bill No. 18-731, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 26, 2010, and June 15, 2010, respectively. Signed by the Mayor on July 2, 2010, it was assigned Act No. 18-462 and transmitted to both Houses of Congress for its review. D.C. Law 18-223 became effective on September 24, 2010.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(204) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

##### *Miscellaneous Notes*

Short title: Section 6081 of D.C. Law 18-223 provided that subtitle I of title VI of the act may be cited as the "Assent to the Dingell-Johnson Sport Fish Restoration Act Amendment Act of 2010".

## **§ 22-4329. INSPECTION OF BUSINESS OR VOCATIONAL ESTABLISHMENTS REQUIRING A LICENSE OR PERMIT OR ANY VEHICLE, BOAT, MARKET BOX, MARKET STALL OR COLD STORAGE PLANT, DURING BUSINESS HOURS.**

Authorized officers and employees of the government of the United States or of the government of the

District of Columbia are, for the purpose of enforcing the provisions of this chapter and the regulations promulgated by the Council of the District of Columbia under the authority of this chapter, empowered, during business hours, to inspect any building or premises in or on which any business, trade, vocation, or occupation requiring a license or permit is carried on, or any vehicle, boat, market box, market stall, or cold-storage plant. No person shall refuse to permit any such inspection.

(Aug. 23, 1958, 72 Stat. 814, Pub. L. 85-730, § 2.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 22-1629.

1973 Ed., § 22-1629.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(204) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 22-4330. SEIZURE OF HUNTING AND FISHING EQUIPMENT; SALE AT PUBLIC AUCTION AND DISPOSAL OF PROCEEDS; DISPOSAL OF PROPERTY NOT SOLD AT AUCTION; PAYMENT OF VALID LIENS AFTER SALE.**

(a) All rifles, shotguns, ammunition, bows, arrows, traps, seines, nets, boats, and other devices of every nature or description used by any person within the District of Columbia when engaged in killing, ensnaring, trapping, or capturing any wild bird, wild mammal, or fish contrary to this chapter or any regulation made pursuant to this chapter shall be seized by any police officer, or any designated civilian employee of the Metropolitan Police Department, upon the arrest of such person on a charge of violating any provision of this chapter or any regulations made pursuant thereto, and be delivered to the Mayor. If the person so arrested is acquitted, the property so seized shall be returned to the person in whose possession it was found. If the person so arrested is convicted, the property so seized shall, in the discretion of the court, be forfeited to the District of Columbia, and be sold at public auction, the proceeds from such sale to be deposited in the Treasury to the credit of the District of Columbia. If any item of such property is not purchased at such auction, it shall be disposed of in accordance with regulations prescribed by the District of Columbia Council.

(b) If any property seized under the authority of this section is subject to a lien which is established by intervention or otherwise to the satisfaction of the court as having been created without the lienor's having any notice that such property was to be used in connection with a violation of any provision of this chapter or any regulation made pursuant thereto, the court, upon the conviction of the accused, may order a sale of such property at public auction. The officer conducting such sale, after deducting proper fees and costs incident to the seizure, keeping, and sale of such property, shall pay all such liens according to their priorities, and such lien or liens shall be transferred from the property to the proceeds of the sale thereof.

(Aug. 23, 1958, 72 Stat. 814, Pub. L. 85-730, § 3; June 12, 1999, D.C. Law 12-284, § 5, 46 DCR 1328.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 22-1630.

1973 Ed., § 22-1630.

##### *Temporary Amendments of Section*

Section 5 of D.C. Law 12-282 inserted "or any designated civilian employee of the Metropolitan Police Department" in the first sentence of (a).

Section 13(b) of D.C. Law 12-282 provided that the act shall expire after 225 days of its having taken effect.

##### *Emergency Act Amendments*

For temporary provision, on an emergency basis, making available for a reasonable fee the name, address, date of birth, occupation, and photograph of persons convicted of violation of §§ 22-2701 or 22-2703 [1981 Ed.], see § 2 of the Safe Streets Anti-Prostitution Emergency Amendment Act of 1996 (D.C. Act 11-252, April 15, 1996, 43 DCR 2139).

For temporary amendment of section, see § 3(a) of the Safe Streets Anti-Prostitution Emergency Amendment Act of 1996 (D.C. Act 11-252, April 15, 1996, 43 DCR 2139).

For temporary amendment of section, see § 5 of the Metropolitan Police Department Civilianization and Street Solicitation for Prostitution Emergency Amendment Act of 1998 (D.C. Act 12-428, August 6, 1998, 45 DCR 5884), § 5 of the Metropolitan Police Department Civilianization Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-506, November 10, 1998, 45 DCR 8139), and § 5 of the Metropolitan Police Department Civilianization Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-13, February 8, 1999, 46 DCR 2333).

#### *Legislative History of Laws*

Law 12-282, the "Metropolitan Police Department Civilianization Temporary Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-709. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor, it was assigned Act No. 12-492 and transmitted to both Houses of Congress for its review. D.C. Law 12-282 became effective on May 28, 1999.

Law 12-284, the "Metropolitan Police Department Civilianization Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-710, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor, it was assigned Act No. 12-613 and transmitted to both Houses of Congress for its review. D.C. Law 12-284 became effective on June 12, 1999.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(205) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 22-4331. PENALTIES; PROSECUTIONS.**

(a) Any person convicted of violating any provision of this chapter, or any regulation made pursuant to this chapter, shall be fined not more than \$300 or imprisoned not more than 90 days, or both.

(b) Prosecutions for violations of this chapter, or the regulations made pursuant thereto, shall be conducted in the name of the District of Columbia by the Corporation Counsel or any Assistant Corporation Counsel.

(Aug. 23, 1958, 72 Stat. 815, Pub. L. 85-730, § 4; May 21, 1994, D.C. Law 10-119, § 11(a), 41 DCR 1639.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 22-1631.

1973 Ed., § 22-1631.

#### *Legislative History of Laws*

Law 10-119, the "Anti-Gender Discriminatory Language Criminal Offenses Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-332, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on February 1, 1994, and March 1, 1994, respectively. Signed by the Mayor on March 17, 1994, it was assigned Act No. 10-209 and transmitted to both Houses of Congress for its review. D.C. Law 10-119 became effective on May 21, 1994.

## **§ 22-4332. DELEGATION OF FUNCTIONS BY SECRETARY OF THE INTERIOR AND MAYOR; COUNCIL TO MAKE REGULATIONS; "MAYOR" AND "SECRETARY OF THE INTERIOR" DEFINED.**

(a) The Secretary of the Interior and the Mayor, respectively, are authorized to delegate any of the functions to be performed by them under the authority of this chapter.

(b) The Council of the District of Columbia is authorized to make such regulations as may be necessary to carry out the purpose of this chapter; provided, that any regulations issued pursuant to this chapter shall be subject to the approval of the Secretary of the Interior insofar as they involve any areas or waters of the District of Columbia under the appropriate administrative jurisdiction.

(c) As used in this chapter the word "Mayor" means the Mayor of the District of Columbia or the appropriate designated agent or agents, and the words "Secretary of the Interior" means the Secretary of the Interior or the appropriate designated agent or agents.

(Aug. 23, 1958, 72 Stat. 815, Pub. L. 85-730, § 5; May 21, 1994, D.C. Law 10-119, § 11(b), 41 DCR 1639.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 22-1632.

1973 Ed., § 22-1632.

##### *Legislative History of Laws*

For legislative history of D.C. Law 10-119, see Historical and Statutory Notes following § 22-4331.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(204) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

## **§ 22-4333. EXISTING AUTHORITY OF SECRETARY OF THE INTERIOR NOT IMPAIRED.**

Nothing in this chapter or in any regulation promulgated by the Council of the District of Columbia under the authority of this chapter shall in any way impair the existing authority of the Secretary of the Interior to control and manage fish and wildlife on the land and waters in the District of Columbia under the Secretary of the Interior's administrative jurisdiction.

(Aug. 23, 1958, 72 Stat. 815, Pub. L. 85-730, § 6; May 21, 1994, D.C. Law 10-119, § 11(c), 41 DCR 1639.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 22-1633.

1973 Ed., § 22-1633.

##### *Legislative History of Laws*

For legislative history of D.C. Law 10-119, see Historical and Statutory Notes following § 22-4331.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(204) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.