



COMMONWEALTH of VIRGINIA

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The Honorable J. Chapman Petersen
Member, Senate of Virginia
Post Office Box 1066
Fairfax, Virginia 22038

Dear Senator Petersen:

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the *Code of Virginia*.

Issue Presented

You inquire whether the prohibition on hunting on Sundays is constitutionally valid under Article XI, § 4 of the Constitution of Virginia, which provides that “[t]he people have a right to hunt, fish, and harvest game, subject to such regulations and restrictions as the General Assembly may prescribe by general law.”

Response

It is my opinion that the prohibition on hunting on Sundays does not transgress the constitutional right to hunt and fish.

Applicable Law and Discussion

Article IX, § 4 establishes and protects in our foundational charter of government a right to hunt and fish. Like other constitutional rights, it is not unlimited. Here, the constitutional text expressly allows the General Assembly to restrict this right by general law. Section 29.1-521(A) prohibits hunting on a Sunday. Such a statute is permissible under the express language of Article IX, § 4 as regulation or restriction enacted by the General Assembly.

Moreover, the restriction on hunting on Sundays is a longstanding one,¹ and the General Assembly, when it proposed amending the Constitution of Virginia in 2000 to protect a right to hunt and fish, was presumed to be aware of this statute.² The framers of the constitutional amendment did not use any language indicative of a purpose to nullify this statute.³ It is probable that had the General Assembly

¹ The restriction dates back to at least the turn of the past century. *See* VA. CODE ANN. § 2070a(3) (1904) (making it unlawful to “shoot or otherwise . . . hunt any game in this State on Sunday.”).

² *Blake v. Marshall*, 152 Va. 616, 625-26, 148 S.E. 789, 791 (1929).

³ *Id.*

wished to restrict such laws, such an intent would have been expressed in the text of the amendment.⁴ The fact that the General Assembly did not repeal the prohibition on hunting on Sundays in the wake of the passage of the constitutional amendment is a further indication that no conflict exists.⁵

Conclusion

Accordingly, it is my opinion that the prohibition on hunting on Sundays does not transgress the constitutional right to hunt and fish.

With kindest regards, I am

Very Truly Yours,

A handwritten signature in blue ink that reads "Ken C II". The signature is stylized, with "Ken" in a cursive script and "C II" in a more formal, blocky style.

Kenneth T. Cuccinelli, II
Attorney General

⁴ *Id.*

⁵ *Id.*