

**SENATE . . . . . No. 381**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael O. Moore***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act enhancing the enforcement of illegal hunting practices.

PETITION OF:

| NAME:                          | DISTRICT/ADDRESS:                   |
|--------------------------------|-------------------------------------|
| <i>Michael O. Moore</i>        | <i>Second Worcester</i>             |
| <i>James B. Eldridge</i>       | <i>Middlesex and Worcester</i>      |
| <i>William N. Brownsberger</i> | <i>Second Suffolk and Middlesex</i> |
| <i>Thomas M. Stanley</i>       | <i>9th Middlesex</i>                |
| <i>John P. Fresolo</i>         | <i>16th Worcester</i>               |
| <i>Kay Khan</i>                | <i>11th Middlesex</i>               |
| <i>Denise Provost</i>          | <i>27th Middlesex</i>               |
| <i>Carlo Basile</i>            | <i>1st Suffolk</i>                  |
| <i>Angelo J. Puppolo, Jr.</i>  | <i>12th Hampden</i>                 |
| <i>Chris Walsh</i>             | <i>6th Middlesex</i>                |
| <i>Lori A. Ehrlich</i>         | <i>8th Essex</i>                    |
| <i>Brian R. Mannel</i>         | <i>2nd Barnstable</i>               |
| <i>Michael J. Barrett</i>      | <i>Third Middlesex</i>              |
| <i>George N. Peterson, Jr.</i> | <i>9th Worcester</i>                |
| <i>Mark C. Montigny</i>        | <i>Second Bristol and Plymouth</i>  |
| <i>Walter F. Timilty</i>       | <i>7th Norfolk</i>                  |
| <i>Kenneth J. Donnelly</i>     | <i>Fourth Middlesex</i>             |
| <i>Katherine M. Clark</i>      | <i>Fifth Middlesex</i>              |

|                               |   |
|-------------------------------|---|
| <i>Christopher G. Fallon</i>  | <i>33rd Middlesex</i>                             |
| <i>John W. Scibak</i>         | <i>2nd Hampshire</i>                              |
| <i>Benjamin B. Downing</i>    | <i>Berkshire, Hampshire, Franklin and Hampden</i> |
| <i>Jay R. Kaufman</i>         | <i>15th Middlesex</i>                             |
| <i>Karen E. Spilka</i>        | <i>Second Middlesex and Norfolk</i>               |
| <i>Timothy R. Madden</i>      | <i>Barnstable, Dukes and Nantucket</i>            |
| <i>Michael R. Knapik</i>      | <i>Second Hampden and Hampshire</i>               |
| <i>Carl M. Sciortino, Jr.</i> | <i>34th Middlesex</i>                             |
| <i>Sean Garballey</i>         | <i>23rd Middlesex</i>                             |
| <i>Sal N. DiDomenico</i>      | <i>Middlesex and Suffolk</i>                      |
| <i>Thomas P. Conroy</i>       | <i>13th Middlesex</i>                             |

**SENATE . . . . . No. 381**

By Mr. Michael O. Moore, a petition (accompanied by bill, Senate, No. 381) of Michael O. Moore, James B. Eldridge, William N. Brownsberger, Thomas M. Stanley and other members of the General Court for legislation to enhance the enforcement of illegal hunting practices. Environment, Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act enhancing the enforcement of illegal hunting practices.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 21A of chapter 131 of the General Laws, as appearing in the 2010  
2 Official Edition, is hereby amended by striking out, in line 16, the figure “\$300” and inserting in  
3 place thereof the following figure:- \$1,000.

4 SECTION 2. Said section 21A of said chapter 131, as so appearing, is hereby further  
5 amended by striking out, in line 16, the figure “\$1,000” and inserting in place thereof the  
6 following figure:- \$5,000.

7 SECTION 3. Said section 21A of said chapter 131, as so appearing, is hereby further  
8 amended by striking out, in line 17, the word “six” and inserting in place thereof the following  
9 figure:- 12.

10 SECTION 4. Said chapter 131 is hereby further amended by striking out section 34, as  
11 so appearing, and inserting in place thereof the following section:-

12 Section 34. A license, permit or certificate issued under this chapter, except a license  
13 issued under clauses (3), (4) or (6) of section 23, held by a person found guilty of, convicted of,  
14 assessed in any manner after a plea of nolo contendere or penalized for a violation of clause (15)  
15 of section 4 or section 12, 13, 16, 33, 54, 57, 58, 61, 63, 64, 66, 67, 70, 72, or 80 or a rule or  
16 regulation made under the authority of such section, for which that particular license, permit or  
17 certificate was issued, then that particular license, permit or certificate shall be void and shall  
18 immediately be surrendered to an officer authorized to enforce this chapter. That person or a  
19 person acting on that person’s behalf shall not be given or apply for the particular license, permit

20 or certificate that was voided due to a violation under this section for 1 year from the date that  
21 person was found guilty or penalized and that particular license, permit or certificate was voided.  
22 Every license, permit, or certificate issued under this chapter, held by a person found guilty or  
23 assessed on 3 or more separate occasions for violations of this chapter or a rule or regulation  
24 made under this chapter, shall be void and shall be immediately surrendered to an officer  
25 authorized to enforce this chapter. That person or a person acting on that person's behalf shall  
26 not be given or apply for any license, permit or certificate under this chapter, during the period of  
27 1 year from the date of his being found guilty or penalized as aforesaid, and such license, permit  
28 or certificate so issued shall be void and shall be surrendered to an officer authorized to enforce  
29 this chapter. No fee received for a license, permit or certificate made void under this section shall  
30 be refunded to the holder thereof.

31 A license, permit or certificate issued under this chapter, except a license issued under  
32 clauses (3), (4) or (6) of section 23, held by a person found guilty of, or convicted of, or assessed  
33 in any manner after a plea of nolo contendere, or penalized for, a violation of section 5, 10, 11,  
34 32, 62, 65, 68, 73, 75 or 85, for which that particular license, permit or certificate was issued,  
35 such particular license, permit or certificate shall be void, and shall immediately be surrendered  
36 to an officer authorized to enforce this chapter. That person or a person acting on that person's  
37 behalf shall not be given or apply for that particular license, permit or certificate that was voided  
38 due to a violation under this section for not less than 1 year and not more than 3 years from the  
39 date that person was found guilty or penalized and that particular license, permit or certificate so  
40 issued shall be void and shall be surrendered to an officer authorized to enforce this chapter.

41 A license, permit, or certificate issued under this chapter, except a license issued under  
42 clauses (3), (4) or (6) of section 23, held by a person found guilty of, or convicted of, or assessed  
43 in any manner after a plea of nolo contendere, or penalized for, a second violation of section 5,  
44 10, 11, 32, 62, 65, 68, 73, 75 or 85, for which that particular license, permit or certificate was  
45 issued, that particular license, permit or certificate shall be void, and shall immediately be  
46 surrendered to an officer authorized to enforce this chapter. That person or a person acting on  
47 that person's behalf shall not be given or apply for that particular license, permit or certificate  
48 that was voided due to a violation under this section for a period of not less than 3 years and not  
49 more than 10 years from the date that person was found guilty or penalized and such particular  
50 license, permit or certificate so issued shall be void and shall be surrendered to an officer  
51 authorized to enforce this chapter.

52 A license, permit or certificate issued under this chapter, except a license issued under  
53 clauses (3), (4) or (6) of section 23, held by a person found guilty of, or convicted of, or assessed  
54 in any manner after a plea of nolo contendere, or penalized for, a third or subsequent violation of  
55 section 5, 10, 11, 32, 62, 65, 68, 73, 75 or 85, for which that particular license, permit or  
56 certificate was issued, that particular license, permit or certificate shall be void, and shall  
57 immediately be surrendered to an officer authorized to enforce this chapter. That person or a  
58 person acting on that person's behalf shall not be given or apply for that particular license,

59 permit or certificate that was voided due to a violation under this section for a period of not less  
60 than 10 years from the date that person was found guilty or penalized and that particular license,  
61 permit or certificate so issued shall be void and shall be surrendered to an officer authorized to  
62 enforce this chapter.

63 SECTION 5. Said chapter 131 is hereby further amended by striking out section 90, as  
64 so appearing, and inserting in place thereof the following section:-

65 Section 90. Whoever violates section 30, 35, 36, 38, 47, 49, 50, 51, 53, 54, 57, 58, 59,  
66 69, 71, 72, 80, 82, 83, 84 or any rule or regulation made under those sections shall be punished  
67 by a fine of not less than \$50 nor more than \$100 or by imprisonment for not more than 30 days  
68 or both such fine and imprisonment. In addition, for each bird or mammal, other than a deer,  
69 bear or turkey unlawfully killed, taken, held or possessed, or for each nest or egg unlawfully  
70 taken, molested, distributed or destroyed a person shall be fined of not less than \$10 nor more  
71 than \$50. For each deer unlawfully killed or unlawfully possessed, a person shall be fined not  
72 less than \$300 nor more than \$1,000, or by imprisonment for not more than 6 months, or both  
73 such fine and imprisonment. For each bear unlawfully killed or unlawfully possessed a person  
74 shall be fined not less than \$1,000 nor more than \$5,000 or by imprisonment for not more than 6  
75 months, or both such fine and imprisonment. For each turkey unlawfully killed or unlawfully  
76 possessed, a person shall be fined not less than \$300 nor more than \$1,000 or by imprisonment  
77 for not more than 6 months, or both such fine and imprisonment.

78 Whoever violates section 5, 10 , 11, 32, 62, 85 or any rule or regulation made under those  
79 sections, shall be punished by a fine of not less than \$100 nor more than \$500 or by  
80 imprisonment for not more than 90 days, or both such fine and imprisonment. In addition, for  
81 each bird or mammal other than a deer, bear or turkey unlawfully killed, taken, held or  
82 possessed, or for each nest or egg unlawfully taken, molested, distributed or destroyed, a person  
83 shall be fined not less than \$50 nor more than \$200. For each deer unlawfully killed or  
84 unlawfully possessed, a person shall be fined not less than \$500 nor more than \$3,000 or by  
85 imprisonment for not more than 6 months, or both such fine and imprisonment. For each bear  
86 unlawfully killed or unlawfully possessed, a person shall be fined not less than \$1,000 nor more  
87 than \$10,000 or by imprisonment for not more than 6 months, or both such fine and  
88 imprisonment. For each turkey unlawfully killed or unlawfully possessed, a person shall be  
89 fined not less than \$500 nor more than \$3,000 or by imprisonment for not more than 6 months,  
90 or both such fine and imprisonment.

91 Whoever violates section 73, shall be punished by a fine of not less than \$1,000 nor more  
92 than \$5,000 or by imprisonment for not more than 1 year, or both. Whoever violates section 16,  
93 28, 33, 48, 61, 63, 64 or 70 or any rule or regulation made under those sections shall be punished  
94 by a fine of not less than \$50 nor more than \$100 or by imprisonment for not more than 60 days,  
95 or both.

96           Whoever violates section 18, 19, 19A, 60, 79 or any rule or regulation made under those  
97 sections, shall be punished by a fine of not less than \$100 nor more than \$500 or by  
98 imprisonment for not more than 6 months, or both.

99           Whoever violates section 68 or of any rule or regulation made under that section, shall be  
100 punished by a fine of not less than \$500 nor more than \$3,000 or by imprisonment for not more  
101 than 1 year, or both.

102           Whoever violates section 22 or of any rule or regulation made under that section shall be  
103 punished by a fine of not less than \$50 nor more than \$1,000 or by imprisonment for not more  
104 than 6 months, or both for each fish, bird or mammal, other than a deer, bear or moose,  
105 unlawfully bought, sold, bartered, exchanged, offered or exposed for sale or had in possession  
106 for the purpose of sale. In the case of a deer, a person shall be fined not less than \$1,000 nor  
107 more than \$5,000 or by imprisonment for not more than 1 year, or both. In the case of a bear, a  
108 person shall be fined not less than \$2,000 nor more than \$10,000 or by imprisonment for not  
109 more than 1 year, or both. In the case of a moose, a person shall be fined not less than \$1,000  
110 nor more than \$5,000 or by imprisonment for not more than 1 year, or both. Any person found  
111 guilty of or convicted of a violation of this section who is the holder of a hunting or sporting  
112 license issued under this chapter shall lose any rights thereunder and that license shall be  
113 surrendered to an officer empowered to enforce this chapter. No other hunting or sporting  
114 license shall be granted to that person for a period not less than 1 year.

115           Whoever violates section 41, to 43, inclusive, or any rule, regulation or order made under  
116 those sections, shall be punished by a fine of not less than \$100 nor more than \$5,000 or by  
117 imprisonment for not more than 2 years, or both.

118           Whoever violates section 66, 67 or 86 shall be punished by a fine of not less than \$50 nor  
119 more than \$1,000 or by imprisonment for not more than 1 year, or both. Whoever fails to  
120 keep open or maintain a fishway as prescribed by the director under clause (14) of section 4 shall  
121 be punished by a fine of \$50 for each day that person fails to keep open or maintain that fishway  
122 as prescribed.

123           Whoever violates section 65 shall be punished by a fine of not less than \$500 nor more  
124 than \$3,000 or by imprisonment for not more than 30 days, or both.

125           Whoever violates section 74 or 76 shall be punished by a fine of not less than \$20 nor  
126 more than \$50 or by imprisonment for not more than 30 days, or both, for each bird or mammal  
127 taken, killed or removed and for each nest or egg taken, disturbed, molested or destroyed.

128           Whoever violates section 77 shall be punished by a fine of not more than \$100 or by  
129 imprisonment for not more than 30 days, or both.

130           Whoever violates section 75 shall be punished by a fine of not less than \$300 nor more  
131 than \$1,000 or by imprisonment for not more than 6 months, or both, for each wild turkey  
132 knowingly and unlawfully had in possession and for each nest or egg thereof taken, molested,  
133 disturbed, destroyed or unlawfully had in possession.

134           Whoever violates section 77A shall be punished by a fine of not less than \$100 nor more  
135 than \$5,000.

136           Whoever violates section 75A shall be punished by a fine of not less than \$1,000 nor  
137 more than \$10,000 or by imprisonment for not more than 6 months, or both. Such person, subject  
138 to section 34, shall not be issued a license, permit or certificate under this chapter during the  
139 period of not less than 3 years from the date of being found guilty or penalized for violating  
140 section 75A.

141           Whoever violates clause (14) of section 4 relative to a dam or obstruction for passage of  
142 anadromous fish or who refuses or neglects to keep open or maintain a fishway at the time  
143 prescribed by the director shall be fined \$50 for each day or part of a day that person fails to keep  
144 open or maintain the dam or fishway as prescribed.

145           Whoever violates section 5C shall be punished by a fine of not less than \$100 nor more  
146 than \$500 or by imprisonment for not more than 14 days, or both.

147           Unless the context requires otherwise, a violation of this chapter or any rule or regulation  
148 made under this chapter, for which no other penalty is provided, shall be punished by a fine of  
149 not less than \$20 nor more than \$50, or by imprisonment for not more than 30 days, or both. Any  
150 net, snare, trap, jacklight or other similar device used by a person or any bird or mammal taken  
151 in violation of this chapter or any rule or regulation shall, upon a finding of guilt, be forfeited to  
152 the commonwealth and shall be disposed of by the director of law enforcement for the best  
153 interest of the commonwealth.

154           In addition to the penalties in this section for violating this chapter or any rule or  
155 regulation made under this chapter, any person convicted of the illegal taking or illegal  
156 possession of animals, birds, fur-bearing animals or fish resulting in the injury, death or  
157 destruction of the same may be required to make restitution to the commonwealth for the value  
158 of each animal, bird, fur-bearing animal or fish illegally taken or possessed as follows:

159           (i) deer or bear, \$300 per animal;

160           (ii) wild turkey, fisher, bobcat or otter, \$200 per animal;

161           (iii) fox, coyote or beaver, \$50 per animal;

162           (iv) mink, muskrat, raccoon, wild rabbit, hare or gray squirrel, \$25 per animal;

163           (v) ruffed grouse, pheasant, quail, woodcock or migratory waterfowl, \$25 per bird;

- 164 (vi) fish, \$5 per fish; and  
165 (vii) other animals or birds, \$10 per animal or bird.

166 Any person convicted of the illegal taking or illegal possession of endangered, threatened  
167 and special concern species included on the official Massachusetts list of endangered wildlife  
168 and wild plants, established under section 4 of chapter 131A, may be required to make restitution  
169 to the commonwealth for the value of each such species illegally taken or possessed as follows:

- 170 (i) endangered species, \$2,000;  
171 (ii) threatened species, \$1,000; and  
172 (iii) species of special concern, \$500.

173 The fines imposed for violations of this chapter or any rule or regulation made under this  
174 chapter shall not be suspended or waived.

175 For a conviction involving the illegal taking or possession of animals, birds, fur-bearing  
176 animals and fish, the court may order the defendant to reimburse the commonwealth in a sum  
177 that exceeds the amount established in this section. Such reimbursement shall be paid directly to  
178 the court. If 2 or more defendants are convicted of the illegal taking or possession of the animal,  
179 bird, fur-bearing animal or fish, the reimbursement shall be declared against the defendants  
180 jointly and severally. The court ordering such reimbursement shall remit the money as prescribed  
181 in section 3.

182 Any person failing to make a damage assessment payment as ordered by the court shall  
183 be guilty of contempt and such person shall not be eligible to purchase a license issued by the  
184 division of fisheries and wildlife until all assessments are paid in full.

185 SECTION 6. Said chapter 131 is hereby further amended by striking out section 90A, as  
186 so appearing, and inserting in place thereof the following section:-

187 Section 90A. A person whose privilege to hunt, trap or fish has been suspended or  
188 revoked in any jurisdiction of the United States or Canada, shall not be licensed for such activity  
189 in the commonwealth or if so licensed at the time, such license shall be suspended during the  
190 period of such suspension or revocation if, after notice and hearing, the director determines that  
191 the offense carrying such suspension or revocation would constitute a violation of section 10, 13,  
192 22, 61, 62, 64, 65, 68, 69, 73, 74, 75, 75A, 79, 80, 80A or 82. That licensed person shall  
193 immediately return that license to the division of fisheries and wildlife.

194 A person who hunts, traps or fishes in the commonwealth when that person's privilege to  
195 conduct such activity has been suspended or revoked in any jurisdiction of the United States or  
196 Canada for an offense that would constitute a violation of section 10, 13, 22, 61, 62, 64, 65, 68,  
197 69, 73, 74, 75, 75A, 79, 80, 80A or 82 shall be punished consistent with the penalties assessed



198 for hunting, trapping or fishing without a license in violation of section 11. A person who fails  
199 to immediately return a license in violation of this section shall be punished by a fine of not less  
200 than \$50 nor more than \$200.

201 SECTION 7. Said chapter 131 is hereby further amended by inserting after section 90A  
202 the following section:-

203 Section 90B. Whoever violates section 5, 22, 65 or 68 or any rule or regulation made  
204 under those sections with respect to three or more animals of any species covered by this section  
205 within the preceding 10 years, shall be punished by a fine of not less than \$1,000 nor more than  
206 \$15,000 or by imprisonment for not more than 5 years in state prison, or both such fine and  
207 imprisonment.

208 The penalties set forth in this section shall apply to persons whose total violations within  
209 the last 10 years involves 3 or more animals and shall also apply to every violation thereafter.

210 Species covered by this section are deer, turkey, moose, fisher, bobcat, bear, any bird of  
211 prey as defined in section 75A and any endangered, threatened or special concern species  
212 included on the official Massachusetts List of Endangered Wildlife and Wild Plants established  
213 under section 4 of chapter 131A.

214 A person penalized under this section shall immediately surrender any license, permit or  
215 certificate issued under this chapter to an officer authorized to enforce this chapter, except a  
216 license issued under clauses (3), (4) or (6) of section 23. Such surrendered license, permit or  
217 certificate shall be void. That person or a person acting on that person's behalf shall not be given  
218 or apply for that particular license, permit or certificate that was voided due to a violation under  
219 this section for a period of not less than 10 years from the date that person was found guilty or  
220 penalized, and any license, permit or certificate so issued shall be void and shall be surrendered  
221 to an officer authorized to enforce this chapter.

222 SECTION 8. The General Laws are hereby amended by inserting after chapter 131A the  
223 following chapter:-

224 CHAPTER 131B

225 WILDLIFE VIOLATOR COMPACT

226 The governor shall enter into a compact on behalf of the commonwealth with any other  
227 jurisdiction legally joining therein in the form substantially as follows:-

228 ARTICLE I. Findings and Purpose

229 (a) The participating states find that:

230 (1) wildlife resources are managed in trust by the respective states for the benefit of all  
231 residents and visitors;

232 (2) the protection of the wildlife resources of a state is materially affected by the degree  
233 of compliance with state statutes, laws, regulations, ordinances and administrative rules relating  
234 to the management of such resources;

235 (3) the preservation, protection, management and restoration of wildlife contributes  
236 immeasurably to the aesthetic, recreational and economic aspects of such natural resources;

237 (4) wildlife resources are valuable without regard to political boundaries, therefore every  
238 person should be required to comply with wildlife preservation, protection, management and  
239 restoration laws, ordinances and administrative rules and regulations of the participating states as  
240 a condition precedent to the continuance or issuance of any license to hunt, fish, trap or possess  
241 wildlife;

242 (5) violations of wildlife laws interferes with the management of wildlife resources and  
243 may endanger the safety of people and property;

244 (6) the mobility of many wildlife law violators necessitates the maintenance of channels  
245 of communication among the various states;

246 (7) in most instances, a person who is cited for a wildlife violation in a state other than  
247 that person's home state is:

248 (i) Required to post collateral or a bond to secure appearance for a trial at a later date;

249 (ii) Taken into custody until the collateral or bond is posted; or

250 (iii) Taken directly to court for an immediate appearance;

251 (8) the purpose of the enforcement practices set forth in paragraph (7) is to ensure  
252 compliance with the terms of a wildlife citation by the cited person who, if permitted to continue  
253 on after receiving the citation, could return to that person's home state and disregard the duty  
254 established by the terms of the citation;

255 (9) in most instances, a person receiving a wildlife citation in that person's home state is  
256 permitted to accept the citation from the officer at the scene of the violation and immediately  
257 continue on after agreeing or being instructed to comply with the terms of the citation;

258 (10) the practices described in paragraph (7) cause unnecessary inconvenience and, at  
259 times, a hardship for the person who is unable to post collateral at the time of the violation,  
260 furnish a bond, stand trial or pay a fine and thus is compelled to remain in custody until some  
261 alternative arrangement is made; and

262 (11) the enforcement practices described in paragraph (7) consume an undue amount of  
263 time of law enforcement agencies.

264 (b) It is the policy of the participating states to:

265 (1) promote compliance with the statutes, laws, ordinances, regulations and  
266 administrative rules relating to the management of wildlife resources in their respective states;

267 (2) recognize a suspension of the wildlife license privileges of any person whose license  
268 privileges have been suspended by a participating state and treat such suspension as if it had  
269 occurred in each respective state;

270 (3) allow a violator, if that violator's home state is a party to this compact, to continue on,  
271 without delay, after receiving a wildlife citation in another member state, except as provided in  
272 subsection (2) of Article III;

273 (4) report to the appropriate participating state, as provided in the compact manual, any  
274 conviction recorded against a person whose home state was not the issuing state;

275 (5) allow the home state to recognize and treat convictions recorded against its residents,  
276 when such conviction occurs in another member state, as though that conviction had occurred in  
277 the violator's home state;

278 (6) extend cooperation to its fullest extent among the participating states for enforcing  
279 compliance with the terms of a wildlife citation issued in 1 participating state to a resident of  
280 another participating state;

281 (7) maximize the effective use of law enforcement personnel and information; and

282 (8) assist court systems in the efficient disposition of wildlife violations.

283 (c) The purpose of this compact is to:

284 (1) provide a means through which participating states may join in a reciprocal program  
285 to effectuate the policies enumerated in subsection (b) in a uniform and orderly manner; and

286 (2) provide for the fair and impartial treatment of wildlife violators operating within  
287 participating states in recognition of the violator's right to due process and the sovereign status of  
288 a participating state.

## 289 ARTICLE II. Definitions

290 As used in this compact, the following words shall, unless the context clearly requires  
291 otherwise, have the following meanings:

292 "Citation", a summons, complaint, ticket, penalty assessment or other official document  
293 issued to a person by a wildlife officer or peace officer for a wildlife violation which contains an  
294 order requiring the person to respond.

295 "Collateral", cash or other security deposited to secure an appearance for trial in  
296 connection with the issuance by a wildlife officer or peace officer of a citation for a wildlife  
297 violation.

298 "Compliance", the act of answering a citation through an appearance in a court or tribunal  
299 or through the payment of fines, costs and surcharges, if any.

300 "Conviction", a conviction that results in suspension or revocation of a license, including  
301 any court conviction, for an offense related to the preservation, protection, management or  
302 restoration of wildlife which is prohibited by state statute, law, regulation, ordinance or  
303 administrative rule. The term also includes the forfeiture of any bail, bond or other security  
304 deposited to secure appearance by a person charged with having committed any such offense, the  
305 payment of a penalty assessment, a plea of nolo contendere or the imposition of a deferred or  
306 suspended sentence by the court.

307 "Court", a court of law, including magistrate's court and the justice of the peace court.

308 "Home state", the state of primary residence of a person.

309 "Issuing state", the participating state that issues a wildlife citation to the violator.

310 "License" a license, permit or other public document that conveys to the person to whom  
311 it was issued the privilege of pursuing, possessing or taking any wildlife regulated by statute,  
312 law, regulation, ordinance or administrative rule of a participating state; any privilege to obtain  
313 such license, permit or other public document; or any statutory exemption from the requirement  
314 to obtain such license, permit or other public document.

315 "Licensing authority", the department or division within each participating state which is  
316 authorized by law to issue or approve licenses or permits to hunt, fish, trap or possess wildlife.

317 "Participating state", any state that enacts legislation to become a member of this wildlife  
318 compact.

319 "Personal recognizance", an agreement by a person, made at the time a wildlife citation is  
320 issued, that such person will comply with the terms of the citation.

321 "State", a state, territory or possession of the United States, the District of Columbia, the  
322 commonwealth of Puerto Rico, the provinces of Canada and other countries.

323 "Suspension", revocation, denial or withdrawal of license privileges, including the  
324 privilege to apply for, purchase or exercise the benefits conferred by a license.

325 "Terms of the citation", conditions and options expressly stated upon the citation.

326 "Wildlife", all species of animals, including, but not limited to, mammals, birds, fish,  
327 reptiles, amphibians, mollusks and crustaceans, which are defined as "wildlife" and are protected  
328 or otherwise regulated by statute, law, regulation, ordinance or administrative rule in a  
329 participating state. Species included in the definition of "wildlife" vary from state to state and the  
330 determination of whether a species is "wildlife" for the purposes of this compact shall be based  
331 on local law.

332 "Wildlife law", a statute, law, regulation, ordinance or administrative rule developed and  
333 enacted for the management and use of wildlife resources.

334 "Wildlife officer", an individual authorized by a participating state to issue a citation for a  
335 wildlife violation.

336 "Wildlife violation", a cited violation of a statute, law, regulation, ordinance or  
337 administrative rule developed and enacted for the management and use of wildlife resources.

### 338 ARTICLE III. Procedures for Issuing State

339 (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation  
340 to any person whose primary residence is in a participating state in the same manner as though  
341 the person were a resident of the issuing state and shall not require that person to post collateral  
342 to secure appearance; provided, however, that subject to the exceptions noted in subsection (b), if  
343 the officer receives the recognizance of that person stating that such person will comply with the  
344 terms of the citation.

345 (b) Personal recognizance is acceptable if it is not prohibited by local law, policy,  
346 procedure or regulation of the issuing agency or by the compact manual; provided, however that  
347 the violator provides adequate proof of identification to the wildlife officer.

348 (c) Upon conviction or failure of a person to comply with the terms of a wildlife citation,  
349 the appropriate official shall report the conviction or failure to comply to the licensing authority  
350 of the participating state in which the wildlife citation was issued. The report shall be made  
351 under the procedures specified by the issuing state and must contain information as specified in  
352 the compact manual as minimum requirements for effective processing by the home state.

353 (d) Upon receipt of the report of conviction or noncompliance under subsection (c), the  
354 licensing authority of the issuing state shall transmit to the licensing authority of the home state  
355 of the violator the information in the form and content prescribed in the compact manual.

### 356 ARTICLE IV. Procedure for Home State

357 (a) Upon receipt of a report from the licensing authority of the issuing state reporting the  
358 failure of a violator to comply with the terms of a citation, the licensing authority of the home

359 state shall notify the violator and shall initiate a suspension action in accordance with the home  
360 state's suspension procedures and shall suspend the violator's license privileges until satisfactory  
361 evidence of compliance with the terms of the wildlife citation has been furnished by the issuing  
362 state to the home state licensing authority. Due-process safeguards shall be accorded.

363 (b) Upon receipt of a report of conviction from the licensing authority of the issuing state,  
364 the licensing authority of the home state shall enter such conviction in its records and shall treat  
365 such conviction as though it occurred in the home state for the purposes of suspension of license  
366 privileges.

367 (c) The licensing authority of the home state shall maintain a record of actions taken and  
368 shall make reports to issuing states as provided in the compact manual.

#### 369 ARTICLE V. Reciprocal Recognition of Suspension

370 (a) Each participating state may recognize the suspension of a person's license privileges  
371 by another participating state as though the violation resulting in the suspension had occurred in  
372 that state and would have been the basis for suspension of license privileges in that state.

373 (b) Each participating state shall communicate suspension information to other  
374 participating states in the form and content contained in the compact manual.

#### 375 ARTICLE VI. Applicability of Other Laws

376 Except as expressly required by this compact, this compact does not affect the right of  
377 any participating state to apply its laws relating to license privileges to a person or circumstance  
378 or to invalidate or prevent an agreement or other cooperative arrangement between a  
379 participating state and a nonparticipating state concerning the enforcement of wildlife laws.

#### 380 ARTICLE VII. Compact Administrator Procedures

381 (a) For the purpose of administering this compact and to serve as a governing body for  
382 the resolution of all matters relating to the operation of this compact, there shall be a board of  
383 compact administrators. The board shall be composed of 1 representative from each of the  
384 participating states to be known as the compact administrator. The compact administrator shall  
385 be appointed by the head of the licensing authority of each participating state and shall serve and  
386 be subject to removal under the laws of the state that compact administrator represents. A  
387 compact administrator may provide for the discharge of the compact administrator's duties and  
388 the performance of such functions as a board member by an alternate. An alternate is not entitled  
389 to serve unless written notification of the alternate's identity is given to the board.

390 (b) Each member of the board of compact administrators shall be entitled to 1 vote. No  
391 action of the board shall be binding unless taken at a meeting at which a majority of the total

392 number of the board's votes are cast in favor of the action. Action by the board shall be only at a  
393 meeting at which a majority of the participating states are represented.

394 (c) The board shall annually elect, from its membership, a chairman and vice chairman.

395 (d) The board shall adopt by-laws consistent with this compact or the laws of a  
396 participating state for the conduct of its business and shall have the power to amend and rescind  
397 those by-laws.

398 (e) The board may accept donations and grants of moneys, equipment, supplies, materials  
399 and services, conditional or otherwise, from any state, the United States or any governmental  
400 agency and may receive, use, and dispose of the same in order to carry out the purposes and  
401 functions of the board under this compact.

402 (f) The board may contract with or accept services or personnel from a governmental or  
403 intergovernmental agency, individual, firm, corporation or private nonprofit organization or  
404 institution.

405 (g) The board shall formulate all necessary procedures and develop uniform forms and  
406 documents for administering this compact. All procedures and forms adopted by board action  
407 shall be contained in a compact manual.

#### 408 ARTICLE VIII. Entry into Compact and Withdrawal

409 (a) This compact shall become effective at such time as it is adopted in substantially  
410 similar form by 2 or more states.

411 (b) Entry into the compact shall be made by resolution of ratification executed by the  
412 authorized officials of the applying state and submitted to the chairman of the board.

413 (c) The resolution shall substantially be in the form and content provided in the compact  
414 manual and must include:

415 (i) a citation of the authority from which the state is empowered to become a party to this  
416 compact;

417 (ii) an agreement of compliance with the terms this compact; and

418 (iii) an agreement that compact entry is with all states participating in the compact and  
419 with all additional states legally becoming a party to the compact.

420 (d) The effective date of entry shall be specified by the applying state, but may not be less  
421 than 60 days after notice has been given by the chairman of the board of the compact  
422 administrators or by the secretariat of the board to each participating state that the resolution  
423 from the applying state has been received.

424 (e) A participating state may withdraw from participation in this compact by official  
425 written notice to each participating state, but withdrawal shall not become effective until 90 days  
426 after giving notice of withdrawal. The notice must be directed to the compact administrator of  
427 each member state. The withdrawal of any state does not affect the validity of this compact as to  
428 the remaining participating states.

429 ARTICLE IX. Amendments to the Compact

430 (a) This compact may be amended. Amendments shall be presented in resolution form to  
431 the chairman of the board of compact administrators and shall be initiated by 1 or more  
432 participating states.

433 (b) Adoption of an amendment shall require endorsement by all participating states and  
434 shall become effective 30 days after the date of the last endorsement.

435 ARTICLE X. Construction and Severability

436 This compact shall be liberally construed so as to effectuate the purposes stated herein.  
437 The provisions of this compact are severable and if any phrase, clause, sentence or provision of  
438 this compact is declared to be contrary to the constitution of a participating state or of the United  
439 States, or if the applicability thereof to any government, agency, individual or circumstance is  
440 held invalid, the validity of the remainder of this compact shall not be affected. If this compact is  
441 held contrary to the constitution of a participating state, the compact shall remain in full force  
442 and effect as to the remaining states and in full force and effect as to the participating state  
443 affected as to all severable matters.