HOUSE DOCKET, NO. 3464 FILED ON: 1/20/2017

HOUSE . . . . . No. 2918

The Commonwealth of Massachusetts

PRESENTED BY:

Ann-Margaret Ferrante and Lori A. Ehrlich

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 further regulating the enforcement of illegal hunting practices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Ann-Margaret Ferrante	*5th Essex*	*1/20/2017*
Lori A. Ehrlich	*8th Essex*	*1/27/2017*
David M. Rogers	*24th Middlesex*	*1/20/2017*
Denise Provost	*27th Middlesex*	*1/20/2017*
Jennifer E. Benson	*37th Middlesex*	*1/20/2017*
Jack Lewis	*7th Middlesex*	*1/20/2017*
John W. Scibak	*2nd Hampshire*	*1/20/2017*
James B. Eldridge	*Middlesex and Worcester*	*1/20/2017*
Daniel J. Ryan	*2nd Suffolk*	*1/20/2017*
José F. Tosado	*9th Hampden*	*1/20/2017*
Chris Walsh	*6th Middlesex*	*1/20/2017*
Bradford R. Hill	*4th Essex*	*1/20/2017*
Carmine L. Gentile	*13th Middlesex*	*1/20/2017*
Marjorie C. Decker	*25th Middlesex*	*1/20/2017*
Paul R. Heroux	*2nd Bristol*	*1/20/2017*
James R. Miceli	*19th Middlesex*	*1/20/2017*
Ruth B. Balser	*12th Middlesex*	*1/20/2017*
Mike Connolly	*26th Middlesex*	*1/20/2017*

William L. Crocker, Jr.	*2nd Barnstable*	*1/20/2017*
Joan B. Lovely	*Second Essex*	*1/20/2017*
Adrian Madaro	*1st Suffolk*	*1/20/2017*
Danielle W. Gregoire	*4th Middlesex*	*1/20/2017*
David M. Nangle	*17th Middlesex*	*1/20/2017*
Michelle M. DuBois	*10th Plymouth*	*1/20/2017*
Colleen M. Garry	*36th Middlesex*	*1/20/2017*
Kimberly N. Ferguson	*1st Worcester*	*1/20/2017*
Daniel J. Hunt	*13th Suffolk*	*1/20/2017*
Gailanne M. Cariddi	*1st Berkshire*	*1/20/2017*
Kay Khan	*11th Middlesex*	*1/20/2017*
Bruce E. Tarr	*First Essex and Middlesex*	*1/20/2017*
Sarah K. Peake	*4th Barnstable*	*1/20/2017*
Jonathan Hecht	*29th Middlesex*	*1/20/2017*
Paul Tucker	*7th Essex*	*1/20/2017*
Christine P. Barber	*34th Middlesex*	*1/20/2017*
Natalie Higgins	*4th Worcester*	*1/20/2017*
James M. Cantwell	*4th Plymouth*	*1/20/2017*
John H. Rogers	*12th Norfolk*	*1/20/2017*
Thomas J. Calter	*12th Plymouth*	*1/20/2017*
Alice Hanlon Peisch	*14th Norfolk*	*1/20/2017*
Thomas M. Stanley	*9th Middlesex*	*1/20/2017*
Frank I. Smizik	*15th Norfolk*	*1/20/2017*
James Arciero	*2nd Middlesex*	*1/20/2017*
Paul McMurtry	*11th Norfolk*	*1/20/2017*

HOUSE DOCKET, NO. 3464 FILED ON: 1/20/2017

HOUSE . . . . . No. 2918

By Representatives Ferrante of Gloucester and Ehrlich of Marblehead, a petition (accompanied by bill, House, No. 2918) of Ann-Margaret Ferrante and others relative to penalties and enforcement of illegal hunting practices. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2069* OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act further regulating 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:

SECTION 1. Chapter 21A of the General Laws is hereby amended by striking out section 10H, as appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

Section 10H. A person notified to appear before the clerk of a district court as provided in section 10G for a violation of the regulations promulgated pursuant to chapter 90B, or the rules and regulations of the division of fisheries and wildlife regulating activity on land under the management of such division, may so appear within the time specified and pay a fine of $50.

A person notified to appear before the clerk of a district court as provided in section 10G for a violation of section 2, 3, 4, 5, 5A, 6, 7, subsection (b) of section 9, section 12, 12A or 13A of chapter 90B may so appear within the time specified and pay a fine of $50.

A person notified to appear before the clerk of a district court as provided in section 10G for violation of subsections (b), (c) and (e) of section 8 of said chapter 90B may so appear within the time specified and pay a fine of $100.

A person notified to appear before the clerk of a district court as provided in section 10G for a violation of sections 21 to 24, inclusive, of said chapter 90B may so appear within the time specified and pay a fine of $250.

A person notified to appear before the clerk of a district court as provided in said section 10G for violation of section 17A, 33, 34, 36, 39, 40, 51, 69, 70, 71, 72, 81, 82 or 95 of chapter 130 may so appear within the time specified and pay a fine of $50.

A person notified to appear before the clerk of a district court as provided in said section 10G for violation of section 35, 37, 38, 38A, 41, 41A, 44, 67, 68, 80, 92, 100A or 100C of said chapter 130 may so appear and pay a fine of $100.

A person notified to appear before the clerk of a district court as provided in said section 10G for a violation of section 47 and section 75 of chapter 130, or section 65 of chapter 131, may so appear within the time specified and pay a fine of $500.

A person notified to appear before the clerk of a district court as provided in said section 10G for a violation of section 1,6, 8, 13, 16, 19A, 23 to 25, inclusive, 26, 27, 28, 30, 33, 36, 38,

44, 47, 49 to 54, inclusive, 57, 59, 69, 71, 72, 76, 77, 79, 80 or 82 of chapter 131 may so appear and pay a fine of $50.

A person notified to appear before the clerk of a district court as provided in said section 10G for a violation of section 5, 10, 11, or 32 of said chapter 131 may so appear and pay a fine of $250.

A person notified to appear before the clerk of a district court as provided in said section 10G for violations of section 58, 66, 67, 70, or 80A of said chapter 131 may appear and pay a fine of $100.

A person notified to appear before the clerk of a district court as provided in said section 10G for a violation of section 75A of said chapter 131 may so appear and pay a fine of $500.

A person notified to appear before the clerk of a district court as provided in said section 10G for a violation of section 5C of chapter 90B may appear and pay a fine of $2,000. For the purposes of this paragraph, “person” shall mean a natural person, corporation, association, partnership or other legal entity or other legal agency or political subdivision of the commonwealth.

SECTION 2. Section 10 of chapter 131 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the first paragraph the following paragraphs:-

The established borders of a wildlife sanctuary, to include any entry paths or ways, shall be posted to provide conspicuous notice to the public of the designation of the land as a sanctuary and of the prohibitions under the prior paragraph. A person shall have an affirmative

defense against an alleged violation of a prohibition under this section, where the required notice was not posted, which if so posted, would have otherwise provided notice to such person that the land is a wildlife sanctuary.

The director shall adopt regulations regarding the posting of sanctuary land, to include that notice be posted in a conspicuous manner for the type of terrain, at intervals of not greater than 300 feet in distance, along the borders of such land.

SECTION 3. Section 21A of said chapter 131, as so appearing, is hereby amended by striking out, in line 16, the figure "$300" and inserting in place thereof the following figure:- $1,000.

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

SECTION 5. Said section 21A of said chapter 131, as so appearing, is hereby further amended by striking out, in line 17, the word "six" and inserting in place thereof the following figure:- 12.

SECTION 6. Said chapter 131 is hereby further amended by striking out section 34, as so appearing, and inserting in place thereof the following section:-

Section 34. A license, permit or certificate issued under a provision of this chapter, except a license issued under clauses (3), (4) or (6) of section 23, held by a person found guilty of, convicted of, or assessed in any manner after a plea of nolo contendere or penalized for a violation of clause (15) of section 4 or section 5, 10, 11, 12, 13, 16, 32, 33, 54, 57, 58, 61, 62, 63,

64, 65, 66, 67, 68, 70, 72, 73, 75, 80, or 85 or a rule or regulation made under the authority of such section, for which that particular license, permit or certificate was issued, then that particular license, permit or certificate shall be void and shall immediately be surrendered to an officer authorized to enforce this chapter. Such person or a person acting on his behalf shall not be given or make application for, that particular license, permit or certificate that was voided due to:

(i) a violation under clause (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 regulation made under the authority of such section, for a period of 1 year from the date that person was found guilty of, or penalized for, the violation;

(ii) an initial violation under section 5, 10, 11, 32, 62, 65, 68, 73, 75 or 85, for a period of not less than 1 year and not more than 3 years from the date that person was found guilty of, or penalized for, the violation;

(iii) a second violation under section 5, 11, 32, 62, 65, 68, 73, 75 or 85 for a period of not less than 3 years and not more than 10 years from the date that person was found guilty of, or penalized for, the violation;

(iv) a second violation under section 10 for a period of not less than 3 years and not more than 5 years from the date that person was found guilty of, or penalized for, the violation;

(v) a third or subsequent violation under section 5, 11, 32, 62, 65, 68, 73, 75 or 85, for a period of not less than 10 years from the date that person was found guilty of, or penalized for, the violation; or

(vi) a third or subsequent violation under section 10 for a period of not less than 5 years and not more than 10 years from the date that person was found guilty of, or penalized for, the violation.

A license, permit or certificate issued in violation of this section shall be void and shall be immediately surrendered to an officer authorized to enforce this chapter.

No fee received for a license, permit or certificate made void under this section shall be refunded to the holder thereof.

SECTION 7. Said chapter 131 is hereby further amended by striking out section 90, as so appearing, and inserting in place thereof the following section:-

Section 90. Whoever violates section 30, 35, 36, 38, 47, 49, 50, 51, 53, 54, 57, 58, 59, 69, 71, 72, 80, 82, 83, 84 or any rule or regulation made under those sections shall be punished by a fine of not less than $50 and not more than $100 or by imprisonment for not more than 30 days or both such fine and imprisonment. In addition, for each bird or mammal, other than a deer, bear or turkey unlawfully killed, taken, held or possessed, or for each nest or egg unlawfully taken, molested, distributed or destroyed a person shall be fined of not less than $10 and not more than $50. For each deer unlawfully killed or unlawfully possessed, a person shall be fined not less than $300 and not or more than $1,000, or by imprisonment for not more than 6 months, or both such fine and imprisonment. For each bear unlawfully killed or unlawfully possessed a person shall be fined not less than $1,000 and not more than $5,000 or by imprisonment for not more than 6 months, or both such fine and imprisonment. For each turkey unlawfully killed or unlawfully possessed, a person shall be fined not less than $300 and not more than $1,000 or by imprisonment for not more than 6 months, or both such fine and imprisonment.

Whoever violates section 5, 10 , 11, 32, 62, 85 or any rule or regulation made under those sections, shall be punished by a fine of not less than $100 and not more than $500 or by imprisonment for not more than 90 days, or both such fine and imprisonment. In addition, for each bird or mammal other than a deer, bear or turkey unlawfully killed, taken, held or possessed, or for each nest or egg unlawfully taken, molested, distributed or destroyed, a person shall be fined not less than $50 and not more than $200. For each deer unlawfully killed or unlawfully possessed, a person shall be fined not less than $500 and not more than $3,000 or by imprisonment for not more than 6 months, or both such fine and imprisonment. For each bear unlawfully killed or unlawfully possessed, a person shall be fined not less than $1,000 and not more than $10,000 or by imprisonment for not more than 6 months, or both such fine and imprisonment. For each turkey unlawfully killed or unlawfully possessed, a person shall be fined not less than $500 and not more than $3,000 or by imprisonment for not more than 6 months, or both such fine and imprisonment.

Whoever violates section 73, shall be punished by a fine of not less than $1,000 and not more than $5,000 or by imprisonment for not more than 1 year, or both. Whoever violates section 16, 28, 33, 48, 61, 63, 64 or 70 or any rule or regulation made under those sections shall be punished by a fine of not less than $50 and not more than $100 or by imprisonment for not more than 60 days, or both.

Whoever violates section 18, 19, 19A, 60, 79 or any rule or regulation made under those sections, shall be punished by a fine of not less than $100 and not more than $500 or by imprisonment for not more than 6 months, or both.

Whoever violates section 68 or of any rule or regulation made under that section, shall be punished by a fine of not less than $500 and not more than $3,000 or by imprisonment for not more than 1 year, or both.

Whoever violates section 22 or of any rule or regulation made under that section shall be punished by a fine of not less than $50 and not more than $1,000 or by imprisonment for not more than 6 months, or both for each fish, bird or mammal, other than a deer, bear or moose, unlawfully bought, sold, bartered, exchanged, offered or exposed for sale or had in possession for the purpose of sale. I In the case of a deer, a person shall be fined not less than $1,000 and not more than $5,000 or by imprisonment for not more than 1 year, or both. In the case of a bear, a person shall be fined not less than $2,000 and not more than $10,000 or by imprisonment for not more than 1 year, or both. In the case of a moose, a person shall be fined not less than $1,000 and not more than $5,000 or by imprisonment for not more than 1 year, or both. Any person found guilty of or convicted of a violation of this section who is the holder of a hunting or sporting license issued under this chapter shall lose any rights thereunder and that license shall be surrendered to an officer empowered to enforce this chapter. No other hunting or sporting license shall be granted to that person for a period not less than 1 year.

Whoever violates section 41, to 43, inclusive, or any rule, regulation or order made under those sections, shall be punished by a fine of not less than $100 and not more than $5,000 or by imprisonment for not more than 2 years, or both.

Whoever violates section 66, 67 or 86 shall be punished by a fine of not less than $50 and not more than $1,000 or by imprisonment for not more than 1 year, or both. Whoever fails to keep open or maintain a fishway as prescribed by the director under clause (14) of section 4 shall

be punished by a fine of $50 for each day that person fails to keep open or maintain that fishway as prescribed.

Whoever violates section 65 shall be punished by a fine of not less than $500 and not more than $3,000 or by imprisonment for not more than one year, or both.

Whoever violates section 74 or 76 shall be punished by a fine of not less than $20 and not more than $50 or by imprisonment for not more than 30 days, or both, for each bird or mammal taken, killed or removed and for each nest or egg taken, disturbed, molested or destroyed.

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

Whoever violates section 75 shall be punished by a fine of not less than $300 and not more than $1,000 or by imprisonment for not more than 6 months, or both, for each wild turkey knowingly and unlawfully had in possession and for each nest or egg thereof taken, molested, disturbed, destroyed or unlawfully had in possession.

Whoever violates section 77A shall be punished by a fine of not less than $100 and not more than $5,000.

Whoever violates section 75A shall be punished by a fine of not less than $1,000 and not more than $10,000 or by imprisonment for not more than 6 months, or both. Such person, subject to section 34, shall not be issued a license, permit or certificate under this chapter during the period of not less than 3 years from the date of being found guilty or penalized for violating section 75A.

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

Whoever violates section 5C shall be punished by a fine of not less than $100 and not more than $500 or by imprisonment for not more than 14 days, or both.

Unless the context requires otherwise, a violation of this chapter or any rule or regulation made under this chapter, for which no other penalty is provided, shall be punished by a fine of not less than $20 and not more than $50, or by imprisonment for not more than 30 days, or both. Any net, snare, trap, jacklight or other similar device used by a person or any bird or mammal taken in violation of this chapter or any rule or regulation shall, upon a finding of guilt, be forfeited to the commonwealth and shall be disposed of by the director of law enforcement for the best interest of the commonwealth.

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

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

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

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

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

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

(vi) fish, $5 per fish; and

(vii) other animals or birds, $10 per animal or bird.

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

(i) endangered species, $2,000;

(ii) threatened species, $1,000; and

(iii) species of special concern, $500.

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

For a conviction involving the illegal taking or possession of animals, birds, fur-bearing animals and fish, the court may order the defendant to reimburse the commonwealth in a sum that exceeds the amount established in this section. Such reimbursement shall be paid directly to the court. If 2 or more defendants are convicted of the illegal taking or possession of the animal, bird, fur-bearing animal or fish, the reimbursement shall be declared against the defendants

jointly and severally. The court ordering such reimbursement shall remit the money as prescribed in section 3.

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

SECTION 8. Said chapter 131 is hereby further amended by striking out section 90A, as so appearing, and inserting in place thereof the following section:-

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

A person who hunts, traps or fishes in the commonwealth when that person’s privilege to conduct such activity has been suspended or revoked in any jurisdiction of the United States or Canada for an offense that would constitute a violation of section 10, 13, 22, 61, 62, 64, 65, 68, 69, 73, 74, 75, 75A, 79, 80, 80A or 82 shall be punished consistent with the penalties assessed for hunting, trapping or fishing without a license in violation of section 11. A person who fails to immediately return a license in violation of this section shall be punished by a fine of not less than $50 and not more than $200.

SECTION 9. Said chapter 131 is hereby further amended by inserting after section 90A the following section:-

Section 90B. Whoever violates section 5, 22, 65 or 68 or any rule or regulation made under those sections with respect to three or more animals of any species covered by this section within the preceding 10 years, shall be punished by a fine of not less than $1,000 and not more than $15,000 or by imprisonment for not more than 5 years in state prison, or both such fine and imprisonment.

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

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

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

SECTION 10. The General Laws are hereby amended by inserting after chapter 131A the following chapter:-

CHAPTER 131B

WILDLIFE VIOLATOR COMPACT

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

ARTICLE I. Findings and Purpose

(a) The participating states find that:

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

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

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

(4) wildlife resources are valuable without regard to political boundaries, therefore every person should be required to comply with wildlife preservation, protection, management and restoration laws, ordinances and administrative rules and regulations of the

participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap or possess wildlife;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The purpose of this compact is to:

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

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

ARTICLE II. Definitions

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

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

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

"Compliance", the act of answering a citation by an appearance in a court or tribunal; or any the payment of any fines, costs and surcharges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE III. Procedures for Issuing State

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

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

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

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

ARTICLE IV. Procedure for Home State

(a) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due-process safeguards shall be accorded.

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

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

ARTICLE V. Reciprocal Recognition of Suspension

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

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

ARTICLE VI. Applicability of Other Laws

Except as expressly required by this compact, this compact does not affect the right of any participating state to apply its laws relating to license privileges to a person or circumstance

or to invalidate or prevent an agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning the enforcement of wildlife laws.

ARTICLE VII. Compact Administrator Procedures

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

(b) Each member of the board of compact administrators shall be entitled to 1 vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor of the action. Action by the board shall be only at a meeting at which a majority of the participating states are represented.

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

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

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

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

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

ARTICLE VIII. Entry into Compact and Withdrawal

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

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

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

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

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

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

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

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

ARTICLE IX. Amendments to the Compact

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

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

ARTICLE X. Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact are severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of a participating state or of the United

States, or if the applicability thereof to any government, agency, individual or circumstance is held invalid, the validity of the remainder of this compact shall not be affected. If this compact is held contrary to the constitution of a participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.