

CHAPTER 163
SB 133-FN – FINAL VERSION

2013 SESSION

13-0860
10/01

SENATE BILL

133-FN

AN ACT

adopting the interstate wildlife violators compact.

SPONSORS:

Sen. Woodburn, Dist 1

COMMITTEE:

Energy and Natural Resources

ANALYSIS

This bill adopts the interstate wildlife violators compact in New Hampshire, joining other member states.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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1 disregard the person’s duty under the terms of the citation.

2 (9) A person receiving a wildlife citation in the person’s home state is permitted to accept the
3 citation from the officer at the scene of the violation and to continue immediately on the person’s way
4 after agreeing or being instructed to comply with the terms of the citation.

5 (10) The practice described in subparagraph (7) of this paragraph causes unnecessary
6 inconvenience and, at times, a hardship for the person who is unable at the time to post collateral,
7 furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some
8 alternative arrangement can be made.

9 (11) The enforcement practices described in subparagraph (7) of this paragraph consume an
10 undue amount of law enforcement time.

11 (b) It is the policy of the party states to:

12 (1) Promote compliance with the statutes, rules, and other applicable law relating to
13 management of wildlife resources in their respective states.

14 (2) Recognize the suspension of wildlife license privileges or rights of any person whose license
15 privileges or rights have been suspended by a party state and treat this suspension as if it had
16 occurred in the person’s state.

17 (3) Allow violators to accept a wildlife citation, except as provided in paragraph (b) of article III
18 of this compact, and be released without delay whether or not the person is a resident in the state in
19 which the citation was issued, provided that the violator’s home state is party to this compact.

20 (4) Report to the appropriate party state any conviction that would subject a person to
21 suspension and that is recorded against any person whose home state was not the issuing state.

22 (5) Allow the home state to recognize and treat a conviction that would subject a person to
23 suspension and that is recorded for their residents and which occurred in another party state as if
24 the conviction had occurred in the home state.

25 (6) Extend cooperation to its fullest extent among the party states for obtaining compliance with
26 the terms of a wildlife citation issued in one party state to a resident of another party state.

27 (7) Maximize effective use of law enforcement personnel and information.

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

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

30 (1) Provide a means through which the party states may participate in a reciprocal program to
31 effectuate policies enumerated in paragraph (b) of this article in a uniform and orderly manner.

32 (2) Provide for the fair and impartial treatment of wildlife violators operating within party
33 states in recognition of the person’s right of due process and the sovereign status of a party state.

34 **ARTICLE II Definitions**

35 (a) The definitions in this article apply throughout this compact and are intended only for the
36 implementation of this compact:

37 (1) “Citation” means any summons, complaint, ticket, penalty assessment, or other official

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1 document issued by a wildlife officer or other peace officer for a wildlife violation containing an order
2 which requires the person to respond.

3 (2) “Collateral” means any cash or other security deposited to secure an appearance for trial in
4 connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife
5 violation.

6 (3) “Compliance” with respect to a citation means the act of answering the citation through
7 appearance at a court, a tribunal, or payment of fines, costs, and surcharges, if any, or both such
8 appearance and payment.

9 (4) “Conviction” means a conviction, including any court conviction, of any offense related to the
10 preservation, protection, management, or restoration of wildlife which is prohibited by state statute,
11 rule, or other relevant law, or a forfeiture of bail, bond, or other security deposited to secure the
12 appearance by a person charged with having committed any such offense, or payment of a penalty
13 assessment, or a plea of nolo contendere, or the imposition of a deferred or suspended sentence by the
14 court.

15 (5) “Court” means a court of law.

16 (6) “Home state” means the state of primary residence of a person.

17 (7) “Issuing state” means the party state which issues a wildlife citation to the violator.

18 (8) “License” means any license, permit, or other public document that conveys to the person to
19 whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute,
20 rule, or other relevant law of a party state.

21 (9) “Licensing authority” means the department within each party state authorized by law to
22 issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

23 (10) “Party state” means any state which enacts legislation to become a member of this wildlife
24 compact.

25 (11) “Personal recognizance” means an agreement by a person made at the time of issuance of
26 the wildlife citation that the person will comply with the terms of that citation.

27 (12) “State” means any state, territory, or possession of the United States, the District of
28 Columbia, the Commonwealth of Puerto Rico, provinces of Canada, or other countries.

29 (13) “Suspension” means any revocation, denial, or withdrawal of any or all license privileges or
30 rights, including the privilege or right to apply for, purchase, or exercise the benefits conferred by
31 any license.

32 (14) “Terms of the citation” means those conditions and options expressly stated upon the
33 citation.

34 (15) “Wildlife” means all species of animals, including but not necessarily limited to mammals,
35 birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as “wildlife” and are
36 protected or otherwise regulated by statute, rule, or other relevant law in a party state. “Wildlife”

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1 also means food fish and shellfish as defined by statute, rule, or other relevant law in a party state.
2 Species included in the definition of “wildlife” vary from state to state and determination of whether
3 a species is “wildlife” for the purposes of this compact shall be based on state law.

4 (16) “Wildlife law” means any statute, law, regulation, ordinance, or administrative rule
5 developed and enacted to manage wildlife resources and the use thereof.

6 (17) “Wildlife officer” means any individual authorized by a party state to issue a citation for a
7 wildlife violation.

8 (18) “Wildlife violation” means any cited violation of a statute, rule, or other relevant law
9 developed and enacted to manage wildlife resources and the use thereof.

10 **ARTICLE III Procedures for Issuing State**

11 (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any
12 person whose primary residence is in a party state in the same manner as if the person were a
13 resident of the home state and shall not require the person to post collateral to secure appearance,
14 subject to the exceptions contained in paragraph (b) of this article, if the officer receives the person’s
15 personal recognizance that the person will comply with the terms of the citation.

16 (b) Personal recognizance is acceptable:

17 (1) If not prohibited by local law or the rules of the department of fish and wildlife; and

18 (2) If the violator provides adequate proof of the violator’s identification to the wildlife officer.

19 (c) Upon conviction of a wildlife violation subject to suspension or upon failure of a person to comply
20 with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to
21 comply to the licensing authority of the party state in which the wildlife citation was issued. The
22 report shall be made in accordance with procedures specified by the issuing state.

23 (d) Upon receipt of the report of conviction or noncompliance required by paragraph (c) of this
24 article, the licensing authority of the issuing state shall transmit to the licensing authority in the
25 home state of the violator the information in a form and content specified by the fish and game
26 department in rule.

27 **ARTICLE IV Procedures for Home State**

28 (a) Upon receipt of a report of a failure to comply with the terms of a citation from the licensing
29 authority of the issuing state, the licensing authority of the home state shall notify the violator, shall
30 initiate a suspension action in accordance with the home state’s enforcement procedures, and shall
31 suspend the violator’s license privileges or rights until satisfactory evidence of compliance with the
32 terms of the wildlife citation has been furnished by the issuing state to the home state licensing
33 authority. Due process safeguards will be accorded.

34 (b) Upon receipt of a report of conviction of a wildlife violation subject to suspension from the
35 licensing authority of the issuing state, the licensing authority of the home state shall enter such
36 conviction in its records according to current procedure and shall treat such conviction as if it

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1 occurred in the home state for the purposes of the suspension of license privileges and for the
2 purposes of the term of the suspension of privileges.

3 (c) The licensing authority of the home state shall maintain a record of actions taken and make
4 reports to issuing states as provided in rules adopted by the department of fish and wildlife.

5 **ARTICLE V Reciprocal Recognition of Suspension**

6 All party states shall recognize the suspension of license privileges or rights of any person by any
7 party state as if the violation on which the suspension is based had in fact occurred in the person's
8 state and would have been the basis for suspension of license privileges or rights in his or her state.

9 **ARTICLE VI Applicability of Other Laws**

10 Except as expressly required by provisions of this compact, nothing herein shall be construed to
11 affect the right of any party state to apply any of its laws relating to license privileges to any person
12 or circumstance, or to invalidate or prevent any agreement or other cooperative arrangements
13 between a party state and a nonparty state concerning wildlife law enforcement.

14 **ARTICLE VII Compact Administrator Procedures**

15 (a) For the purpose of administering the provisions of this compact and to serve as a governing body
16 for the resolution of all matters relating to the operation of this compact, a board of compact
17 administrators is established. The board of compact administrators shall be composed of one
18 representative from each of the party states to be known as the compact administrator. The compact
19 administrator shall be appointed by the head of the licensing authority of each party state and will
20 serve and be subject to removal in accordance with the laws of the state the administrator
21 represents. A compact administrator may provide for the discharge of the administrator's duties and
22 the performance of the administrator's functions as a board of compact administrators' member by
23 an alternate. An alternate may not be entitled to serve unless written notification of the alternate's
24 identity has been given to the board of compact administrators.

25 (b) Each member of the board of compact administrators shall be entitled to one vote. No action of
26 the board of compact administrators shall be binding unless taken at a meeting at which a majority
27 of the total number of votes on the board of compact administrators are cast in favor thereof. Action
28 by the board of compact administrators shall be only at a meeting at which a majority of the party
29 states are represented.

30 (c) The board of compact administrators shall elect annually, from its membership, a chairperson
31 and vice chairperson.

32 (d) The board of compact administrators shall adopt bylaws, not inconsistent with the provisions of
33 this compact or the laws of a party state, for the conduct of its business and shall have the power to
34 amend and rescind its bylaws.

35 (e) The board of compact administrators may accept for any of its purposes and functions under this
36 compact all donations and grants of money, equipment, supplies, materials, and services, conditional

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1 or otherwise, from any state, the United States, or any governmental agency, and may receive,
2 utilize, and dispose of the same.

3 (f) The board of compact administrators may contract with or accept services or personnel from any
4 governmental or intergovernmental agency, individual, firm, corporation, or any private nonprofit
5 organization or institution.

6 (g) The board of compact administrators shall formulate all necessary procedures and develop
7 uniform forms and documents for administering the provisions of this compact. All procedures and
8 forms adopted pursuant to board of compact administrators' action shall be contained in the rules
9 adopted by the fish and game department.

10 **ARTICLE VIII Entry Into Compact and Withdrawal**

11 (a) This compact shall become effective when it has been adopted by at least 2 states.

12 (b)(1) Entry into the compact shall be made by an act or resolution of ratification executed by the
13 authorized officials of the applying state and submitted to the chairperson of the board of compact
14 administrators.

15 (2) The act or resolution shall include statements that in substance are as follows:

16 (A) A citation of the authority by which the state is empowered to become a party to this
17 compact;

18 (B) Agreement to comply with the terms and provisions of the compact; and

19 (C) That compact entry is with all states then party to the compact and with any state that
20 legally becomes a party to the compact.

21 (3) The effective date of entry shall be specified by the applying state, but shall not be less than
22 60 days after notice has been given by the chairperson of the board of compact administrators or by
23 the secretariat of the board of compact administrators to each party state that has received the
24 resolution from the applying state.

25 (c) A party state may withdraw from this compact by official written notice to the other party states,
26 but a withdrawal shall not take effect until 90 days after notice of withdrawal is given. The notice
27 shall be directed to the compact administrator of each member state. No withdrawal shall affect the
28 validity of this compact as to the remaining party states.

29 **ARTICLE IX Amendments to the Compact**

30 (a) This compact may be amended from time to time. Amendments shall be presented in resolution
31 form to the chairperson of the board of compact administrators and may be initiated by one or more
32 party states.

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

35 (c) Failure of a party state to respond to the compact chairperson within 120 days after receipt of the
36 proposed amendment shall constitute endorsement.

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- 1 (I) A participating state suspended the person’s privileges;
2 (II) There was a conviction in the participating state;
3 (III) The person failed to comply with the terms of a citation issued for a wildlife
4 violation in a participating state; or
5 (IV) A conviction in a participating state could have led to a license suspension or
6 penalty in New Hampshire.

7 (3) At the hearing, the executive director or a hearing officer designated by the executive
8 director may:

- 9 (I) Administer oaths;
10 (II) Issue subpoenas for the attendance of witnesses; and
11 (III) Admit all relevant evidence and documents, including notifications from
12 participating states.

13 (4) Following a hearing under this paragraph, the executive director or a designated hearing
14 officer may, based on the evidence, affirm, modify, or rescind the suspension of a license or the
15 assessment of a penalty.

16 (5) A suspension of a license under this chapter is a civil suspension, and a decision of the
17 commissioner or hearing officer under this section shall not be appealable.

18 **D. WITHDRAWAL FROM COMPACT**

19 Withdrawal of New Hampshire from the compact, as authorized under article VIII of the compact,
20 shall be by an act or resolution of the general court.

21 163:2 Effective Date. This act shall take effect January 1, 2014.

22

23 Approved: June 28, 2013

24 Effective Date: January 1, 2014