

HB 258-FN – AS INTRODUCED

2013 SESSION

13-0403
10/05

HOUSE BILL **258-FN**
AN ACT prohibiting the taking of deer from baited areas.
SPONSORS: Rep. Kidder, Merr 5
COMMITTEE: Fish and Game and Marine Resources

ANALYSIS

This bill prohibits the practice of baiting for the taking of deer, and also prohibits feeding deer during deer season with foods known to be attractive to deer. The bill allows the executive director to issue special permits using baiting.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT prohibiting the taking of deer from baited areas.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Fish and Game; Baiting Deer Prohibited. Amend RSA 207:3-d, I to read as follows:

2 I. The executive director shall adopt rules, pursuant to RSA 541-A, relative to the opening
3 and closing of the season for the practice of baiting for coyote, furbearing animals, game birds, or
4 game animals with the exception of gray squirrel; **provided, that no person shall be permitted to**
5 **engage in the act of baiting for deer, as defined in RSA 208:7, IV, or shall knowingly take**
6 **deer from a baited area.**

7 2 New Paragraphs; Manner of Taking Deer. Amend RSA 208:7 by inserting after paragraph III
8 the following new paragraphs:

9 IV. No person shall place bait for the taking of deer, or shall knowingly take deer from a
10 baited area; provided that the executive director may grant a special permit for scientific purposes,
11 animal damage control, or for any other purpose, allowing such baiting, at the discretion of the
12 executive director. For purposes of this paragraph, “baiting” means placing salt, fruit, nuts, grain, or
13 other foods known to be attractive to deer. Nothing in this paragraph shall prohibit the taking of
14 deer from an observation stand or blind overlooking standing crops, foods that have been left as a
15 result of normal agricultural operations, or as a result of a natural occurrence.

16 V. No person shall feed deer by placing salt, fruit, nuts, grain or other foods known to be
17 attractive to deer during any open season for the taking of deer. This paragraph shall not prohibit
18 normal agricultural and forest practices.

19 3 Penalties. Amend RSA 208:21, II to read as follows:

20 II. RSA 208:3, 3-a, 3-b, 3-c, 4, 5, 5-a, 6-a, 7, III **through V**, 10, and 12-16 inclusive, shall be
21 guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

22 4 Effective Date. This act shall take effect 60 days after its passage.

HB 258-FN - FISCAL NOTE

AN ACT prohibiting the taking of deer from baited areas.

FISCAL IMPACT:

The Judicial Branch, Department of Justice, and New Hampshire Association of Counties state this bill, **as introduced**, may increase state and county expenditures by an indeterminable amount in FY 2013 and each year thereafter. There will be no impact on state, county, and local revenue, or local expenditures.

METHODOLOGY:

The Judicial Branch states this bill prohibits the practice of baiting deer and makes those who do so guilty of a violation level offense if a natural person or a misdemeanor for any other person. The Branch has no information to estimate how many charges would be brought as a result of this bill to determine the fiscal impact on expenditures but does have information on the cost for processing a violation or a misdemeanor. The Branch states the case cost estimates are based on data that is more than seven years old and does not reflect the changes to the courts over that same period of time or the impact these changes may have on the processing of these types of cases. The Branch states a violation will cost \$42.85 per case in FY 2014 and \$44.36 per case in FY 2015 and each year thereafter. A misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor. The Branch states a class A misdemeanor will cost \$62.71 per case in FY 2014 and \$64.40 per case in FY 2015 and each year thereafter, and a class B misdemeanor will cost \$44.32 per case in FY 2014 and \$45.84 per case in FY 2015 and each year thereafter. The possibility of appeals increases the likelihood the fiscal impact on the Branch will exceed \$10,000.

The Department of Justice states prosecution of these types of cases is typically handled by the county attorneys, but there may be an indeterminable increase in expenditures related to appeals for this type of case. The Department has no information to estimate how many appeals may result due to this bill to determine the fiscal impact.

The New Hampshire Association of Counties states to the extent more individuals are charged under the proposed bill the counties may have increased expenditures. The Association is unable to determine the number of individuals who might be charged as a result of this bill to determine an exact fiscal impact. There is no impact on county revenue.

The Fish and Game Department is unable to determine if there would be any impact to the Department as a result of this bill, because it is unsure whether there will be a decrease in licenses sold as a result of individuals declining to hunt if they are unable to bait.