

SB 336-FN – AS INTRODUCED

2014 SESSION

14-2776
10/06

SENATE BILL ***336-FN***

AN ACT prohibiting the taking of deer from baited areas on state-owned lands.

SPONSORS: Sen. Lasky, Dist 13; Rep. Ford, Graf 3

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill prohibits baiting for deer on state-owned lands, and also prohibits feeding deer within state-owned land during deer season with foods known to be attractive to deer. The bill allows the executive director to issue special permits allowing baiting.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Fourteen

AN ACT prohibiting the taking of deer from baited areas on state-owned lands.

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, on any state-owned lands***
6 ***or shall knowingly take deer from a baited area within state-owned land.***

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 on any state-owned lands, or shall
10 knowingly take deer from a baited area within state-owned land; provided that the executive director
11 may grant a special permit for scientific purposes, animal damage control, or for any other purpose,
12 allowing such baiting, at the discretion of the executive director. For purposes of this paragraph,
13 “baiting” means placing salt, fruit, nuts, grain, or other foods known to be attractive to deer.
14 Nothing in this definition shall prohibit the taking of deer from an observation stand or blind
15 overlooking standing crops, foods that have been left as a result of normal agricultural operations, or
16 as a result of a natural occurrence.

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

20 3 Penalties. Amend RSA 208:21, II to read as follows:

21 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
22 guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

23 4 Effective Date. This act shall take effect January 1, 2015.

SB 336-FN - FISCAL NOTE

AN ACT prohibiting the taking of deer from baited areas on state-owned lands.

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 2015 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 for the taking of deer on state land, with the penalty being a violation for a natural person and an unspecified misdemeanor for any other person. The Judicial Branch states it cannot estimate how many additional violation or misdemeanor cases there will be as a result of this bill, but does have the following average costs per case type in the District Division of the Circuit Court, for informational purposes:

Case Type	FY 2015	FY 2016
Average Violation	\$45.46	\$46.45
Average Misdemeanor A	\$66.17	\$67.64
Average Misdemeanor B	\$46.99	\$48.02

The Branch adds that if a case were to be appealed, cost per case could be significantly higher.

The Department of Justice states this bill would prohibit the baiting and taking of deer on state land and would typically be prosecuted by a county attorney office. However, the Department states it may incur an increase in expenditures if a case were to be appealed to the state Supreme Court. The Department is unable to estimate these potential costs.

The New Hampshire Association of Counties states to the extent more individuals are charged, convicted, and sentenced to incarceration in a county correctional facility, the counties will have increased expenditures. The Association is unable to determine the number of individuals who may be charged, convicted or incarcerated as a result of this bill to determine an exact fiscal impact. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000. There is no impact on county revenue.

The Fish and Game Department and Judicial Council state this bill will have no fiscal impact.