

By: Senator(s) Posey, Albritton, Dawkins,
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Walley

To: Wildlife, Fisheries and
Parks

SENATE BILL NO. 2900

1 AN ACT TO ENACT THE WILDLIFE VIOLATOR COMPACT; TO PRESCRIBE
2 PENALTIES FOR VIOLATIONS BY A PERSON WHOSE HUNTING PRIVILEGES ARE
3 SUSPENDED UNDER THE COMPACT; TO AUTHORIZE THE COMMISSION ON
4 WILDLIFE, FISHERIES AND PARKS TO ENACT REGULATIONS NECESSARY TO
5 CARRY OUT THE COMPACT; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** The Wildlife Violator Compact is enacted into law
8 and entered into by the State of Mississippi with any and all
9 states legally joining therein in accordance with its terms. The
10 compact is substantially as follows:

11 WILDLIFE VIOLATOR COMPACT

12 ARTICLE I

13 FINDINGS, DECLARATION OF POLICY, AND PURPOSE

14 (a) The party states find that:

15 (1) Wildlife resources are managed in trust by the
16 respective states for the benefit of all residents and visitors.

17 (2) The protection of their respective wildlife
18 resources can be materially affected by the degree of compliance
19 with state statute, law, regulation, ordinance or administrative
20 rule relating to the management of those resources.

21 (3) The preservation, protection, management and
22 restoration of wildlife contributes immeasurably to the aesthetic,
23 recreational and economic aspects of these natural resources.

24 (4) Wildlife resources are valuable without regard to
25 political boundaries, therefore, all persons should be required to
26 comply with wildlife preservation, protection, management and
27 restoration laws, ordinances and administrative rules and
28 regulations of all party states as a condition precedent to the

29 continuance or issuance of any license to hunt, fish, trap or
30 possess wildlife.

31 (5) Violation of wildlife laws interferes with the
32 management of wildlife resources and may endanger the safety of
33 persons and property.

34 (6) The mobility of many wildlife law violators
35 necessitates the maintenance of channels of communications among
36 the various states.

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

39 (A) Must post collateral or bond to secure
40 appearance for a trial at a later date; or

41 (B) If unable to post collateral or bond, is taken
42 into custody until the collateral or bond is posted; or

43 (C) Is taken directly to court for an immediate
44 appearance.

45 (8) The purpose of the enforcement practices described
46 in paragraph (7) of this subdivision is to ensure compliance with
47 the terms of a wildlife citation by the person who, if permitted
48 to continue on the person's way after receiving the citation,
49 could return to the person's home state and disregard the person's
50 duty under the terms of the citation.

51 (9) In most instances, a person receiving a wildlife
52 citation in the person's home state is permitted to accept the
53 citation from the officer at the scene of the violation and to
54 immediately continue on the person's way after agreeing or being
55 instructed to comply with the terms of the citation.

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

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

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

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

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

(3) Allow violators to accept a wildlife citation, except as provided in subdivision (b) of Article III, and proceed on the violator's way without delay whether or not the person is a resident in the state in which the citation was issued, provided that the violator's home state is party to this compact.

(4) Report to the appropriate party state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state.

(5) Allow the home state to recognize and treat convictions recorded for their residents which occurred in another party state as if they had occurred in the home state.

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

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

(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 the party states may participate in a reciprocal program to effectuate policies

95 enumerated in subdivision (b) of this article in a uniform and
96 orderly manner.

97 (2) Provide for the fair and impartial treatment of
98 wildlife violators operating within party states in recognition of
99 the person's right of due process and the sovereign status of a
100 party state.

101 ARTICLE II

102 DEFINITIONS

103 Unless the context requires otherwise, the definitions in
104 this article apply through this compact and are intended only for
105 the implementation of this compact:

106 (a) "Citation" means any summons, complaint, ticket, penalty
107 assessment, or other official document issued by a wildlife
108 officer or other peace officer for a wildlife violation containing
109 an order which requires the person to respond.

110 (b) "Collateral" means any cash or other security deposited
111 to secure an appearance for trial, in connection with the issuance
112 by a wildlife officer or other peace officer of a citation for a
113 wildlife violation.

114 (c) "Compliance" with respect to a citation means the act of
115 answering the citation through appearance at a court, a tribunal,
116 or payment of fines, costs, and surcharges, if any, or both such
117 appearance and payment.

118 (d) "Conviction" means a conviction, including any court
119 conviction, of any offense related to the preservation,
120 protection, management, or restoration of wildlife which is
121 prohibited by state statute, law, regulation, ordinance, or
122 administrative rule, or a forfeiture of bail, bond, or other
123 security deposited to secure appearance by a person charged with
124 having committed any such offense, or payment of a penalty
125 assessment, or a plea of nolo contendere, or the imposition of a
126 deferred or suspended sentence by the court.

(e) "Home state" means the state of primary residence of a person.

(f) "Issuing state" means the party state which issues a wildlife citation to the violator.

(g) "License" means any license, permit, or other public document which 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 party state.

(h) "Licensing authority" means the department within each party state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

(i) "Party state" means any state which enacts legislation to become a member of this wildlife compact.

(j) "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that the person will comply with the terms of that citation.

(k) "State" means any state, territory, or possession of the United States, the District of Columbia, Commonwealth of Puerto Rico, Provinces of Canada, or other countries.

(l) "Suspension" means any revocation, denial, or withdrawal of any or all license privileges or rights, including the privilege or right to apply for, purchase, or exercise the benefits conferred by any license.

(m) "Terms of the citation" means those conditions and options expressly stated upon the citation.

(n) "Wildlife" means all species of animals, including but not necessarily 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 party state. "Wildlife" also means food fish and shellfish as defined by statute, law, regulation, ordinance, or administrative rule in

160 a party state. Species included in the definition of "wildlife"
161 vary from state to state and determination of whether a species is
162 "wildlife" for the purposes of this compact shall be based on
163 local law.

164 (o) "Wildlife law" means any statute, law, regulation,
165 ordinance, or administrative rule developed and enacted to manage
166 wildlife resources and the use thereof.

167 (p) "Wildlife officer" means any individual authorized by a
168 party state to issue a citation for a wildlife violation.

169 (q) "Wildlife violation" means any cited violation of a
170 statute, law, regulation, ordinance, or administrative rule
171 developed and enacted to manage wildlife resources and the use
172 thereof.

173 ARTICLE III

174 PROCEDURES FOR ISSUING STATE

175 (a) When issuing a citation for a wildlife violation, a
176 wildlife officer shall issue a citation to any person whose
177 primary residence is in a party state in the same manner as if the
178 person were a resident of the home state and shall not require the
179 person to post collateral to secure appearance, subject to the
180 exceptions contained in subdivision (b) of this article, if the
181 officer receives the person's personal recognizance that the
182 person will comply with the terms of the citation.

183 (b) Personal recognizance is acceptable:

184 (1) If not prohibited by local law or the compact
185 manual adopted by the Commission on Wildlife, Fisheries and Parks
186 as a rule; and

187 (2) If the violator provides adequate proof of the
188 violator's identification to the wildlife officer.

189 (c) Upon conviction or failure of a person to comply with
190 the terms of a wildlife citation, the appropriate official shall
191 report the conviction or failure to comply to the licensing
192 authority of the party state in which the wildlife citation was

193 issued. The report shall be made in accordance with procedures
194 specified by the issuing state and shall contain the information
195 specified in the compact manual adopted by the Commission on
196 Wildlife, Fisheries and Parks as a rule as minimum requirements
197 for effective processing by the home state.

198 (d) Upon receipt of the report of conviction or
199 noncompliance required by subdivision (c) of this article, the
200 licensing authority of the issuing state shall transmit to the
201 licensing authority in the home state of the violator the
202 information in a form and content as contained in the compact
203 manual adopted by the Commission on Wildlife, Fisheries and Parks
204 as a rule.

205 ARTICLE IV

206 PROCEDURES FOR HOME STATE

207 (a) Upon receipt of a report of failure to comply with the
208 terms of a citation from the licensing authority of the issuing
209 state, the licensing authority of the home state shall notify the
210 violator, shall initiate a suspension action in accordance with
211 the home state's suspension procedures and shall suspend the
212 violator's license privileges or rights until satisfactory
213 evidence of compliance with the terms of the wildlife citation has
214 been furnished by the issuing state to the home state licensing
215 authority. Due process safeguards will be accorded.

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

221 (c) The licensing authority of the home state shall maintain
222 a record of actions taken and make reports to issuing states as
223 provided in the compact manual adopted by the Commission on
224 Wildlife, Fisheries and Parks as a rule.

225 ARTICLE V

226 RECIPROCAL RECOGNITION OF SUSPENSION

227 All party states shall recognize the suspension of license
228 privileges or rights of any person by any state as if the
229 violation on which the suspension is based had in fact occurred in
230 their state and would have been the basis for suspension of
231 license privileges or rights in their state.

232 ARTICLE VI

233 APPLICABILITY OF OTHER LAWS

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

240 ARTICLE VII

241 COMPACT ADMINISTRATOR PROCEDURES

242 (a) For the purpose of administering the provisions of this
243 compact and to serve as a governing body for the resolution of all
244 matters relating to the operation of this compact, a board of
245 compact administrators is established. The board of compact
246 administrators shall be composed of one (1) representative from
247 each of the party states to be known as the compact administrator.
248 The compact administrator shall be appointed by the head of the
249 licensing authority of each party state, or his or her designee,
250 and will serve and be subject to removal in accordance with the
251 laws of the state the administrator represents. A compact
252 administrator may provide for the discharge of the administrator's
253 duties and the performance of the administrator's functions as a
254 board of compact administrators member by an alternate. An
255 alternate may not be entitled to serve unless written notification
256 of the alternate's identity has been given to the board of compact
257 administrators.

291 (b) (1) Entry into the compact shall be made by resolution
292 of ratification executed by the authorized officials of the
293 applying state and submitted to the chairperson of the board of
294 compact administrators.

295 (2) The resolution shall be in a form and content as
296 provided in the compact manual adopted by the Commission on
297 Wildlife, Fisheries and Parks as a rule and shall include
298 statements that in substance are as follows:

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

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

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

306 (3) The effective date of entry shall be specified by
307 the applying state, but shall not be less than sixty days after
308 notice has been given by the chairperson of the board of compact
309 administrators or by the secretariat of the board of compact
310 administrators to each party state that the resolution from the
311 applying state has been received.

312 (c) A party state may withdraw from this compact by official
313 written notice to the other party states, but a withdrawal shall
314 not take effect until ninety days after notice of withdrawal is
315 given. The notice shall be directed to the compact administrator
316 of each member state. No withdrawal shall affect the validity of
317 this compact as to the remaining party states.

318 ARTICLE IX

319 AMENDMENTS TO THE COMPACT

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

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

(c) Failure of a party state to respond to the compact chairperson within one hundred twenty days after receipt of the proposed amendment shall constitute 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 shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, individual, or circumstance is held invalid, the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

ARTICLE XI

TITLE

This compact shall be known as the "Wildlife Violator Compact."

SECTION 2. It is unlawful for any person whose license, privilege, or right to hunt, fish, trap, possess, or transport wildlife, having been suspended or revoked pursuant to this article, to exercise that right or privilege within this state or to purchase or possess such a license which grants such right or privilege. Any person who hunts, fishes, traps, possesses, or transports wildlife in this state or who purchases or possesses a license to hunt, fish, trap, possess, or transport wildlife in this state in violation of such suspension or revocation pursuant to this compact shall be guilty of a misdemeanor and shall be

357 punished by a fine of not less than \$1,500.00 nor more than
358 \$5,000.00 or imprisonment for a period not exceeding 12 months or
359 both.

360 **SECTION 3.** The Commission on Wildlife, Fisheries and Parks
361 shall make and publish such rules and regulations, not
362 inconsistent with law, as it deems necessary to carry out the
363 purposes of the Wildlife Violator Compact.

364 **SECTION 4.** This act shall take effect and be in force from
365 and after July 1, 2007.