

By: Senator(s) Posey, Albritton, Dawkins,  
Dearing, Frazier, Jackson (11th), Morgan,  
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.

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

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

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

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

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

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

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

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

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

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

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

93           (1) Provide a means through which the party states may  
94 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.

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

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

131 (g) "License" means any license, permit, or other public  
132 document which conveys to the person to whom it was issued the  
133 privilege of pursuing, possessing, or taking any wildlife  
134 regulated by statute, law, regulation, ordinance, or  
135 administrative rule of a party state.

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

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

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

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

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

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

153 (n) "Wildlife" means all species of animals, including but  
154 not necessarily limited to mammals, birds, fish, reptiles,  
155 amphibians, mollusks, and crustaceans, which are defined as  
156 "wildlife" and are protected or otherwise regulated by statute,  
157 law, regulation, ordinance, or administrative rule in a party  
158 state. "Wildlife" also means food fish and shellfish as defined  
159 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.



258 (b) Each member of the board of compact administrators shall  
259 be entitled to one (1) vote. No action of the board of compact  
260 administrators shall be binding unless taken at a meeting at which  
261 a majority of the total number of votes on the board of compact  
262 administrators are cast in favor thereof. Action by the board of  
263 compact administrators shall be only at a meeting at which a  
264 majority of the party states are represented.

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

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

271 (e) The board of compact administrators may accept for any  
272 of its purposes and functions under this compact all donations and  
273 grants of money, equipment, supplies, materials, and services,  
274 conditional or otherwise, from any state, the United States, or  
275 any governmental agency, and may receive, utilize, and dispose of  
276 the same.

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

281 (g) The board of compact administrators shall formulate all  
282 necessary procedures and develop uniform forms and documents for  
283 administering the provisions of this compact. All procedures and  
284 forms adopted pursuant to the board of compact administrators  
285 action shall be contained in the compact manual adopted by the  
286 Commission on Wildlife, Fisheries and Parks as a rule.

287 ARTICLE VIII

288 ENTRY INTO COMPACT AND WITHDRAWAL

289 (a) This compact shall become effective when it has been  
290 adopted by at least two states.

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.

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

327 (c) Failure of a party state to respond to the compact  
328 chairperson within one hundred twenty days after receipt of the  
329 proposed amendment shall constitute endorsement.

#### 330 ARTICLE X

#### 331 CONSTRUCTION AND SEVERABILITY

332 This compact shall be liberally construed so as to effectuate  
333 the purposes stated herein. The provisions of this compact shall  
334 be severable and if any phrase, clause, sentence, or provision of  
335 this compact is declared to be contrary to the constitution of any  
336 party state or of the United States or the applicability thereof  
337 to any government, agency, individual, or circumstance is held  
338 invalid, the compact shall not be affected thereby. If this  
339 compact shall be held contrary to the constitution of any party  
340 state thereto, the compact shall remain in full force and effect  
341 as to the remaining states and in full force and effect as to the  
342 state affected as to all severable matters.

#### 343 ARTICLE XI

#### 344 TITLE

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

347 **SECTION 2.** It is unlawful for any person whose license,  
348 privilege, or right to hunt, fish, trap, possess, or transport  
349 wildlife, having been suspended or revoked pursuant to this  
350 article, to exercise that right or privilege within this state or  
351 to purchase or possess such a license which grants such right or  
352 privilege. Any person who hunts, fishes, traps, possesses, or  
353 transports wildlife in this state or who purchases or possesses a  
354 license to hunt, fish, trap, possess, or transport wildlife in  
355 this state in violation of such suspension or revocation pursuant  
356 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.