1	H.53
2	Introduced by Representatives Lewis of Derby, McAllister of Highgate,
3	McNeil of Rutland Town and Reis of St. Johnsbury
4	Referred to Committee on
5	Date:
6	Subject: Fish and game; penalties; interstate violator compact
7	Statement of purpose: This bill proposes to adopt the Interstate Wildlife
8	Violator Compact.
9	An act relating to the Interstate Wildlife Violator Compact
10	It is hereby enacted by the General Assembly of the State of Vermont:
11	Sec. 1. 10 V.S.A. chapter 108 is added to read:
12	CHAPTER 108. INTERSTATE WILDLIFE VIOLATOR COMPACT
13	<u>§ 4451. ADOPTION OF COMPACT</u>
14	The Wildlife Violator Compact is hereby enacted into law and entered into
15	by the State of Vermont with any and all states legally joining therein in
16	accordance with its terms. The compact is substantially as follows:
17	<u>ARTICLE I</u>
18	Findings, Declaration of Policy and Purpose
19	(a) The party states find that:

1	(1) Wildlife resources are managed in trust by the respective states for
2	the benefit of all residents and visitors.
3	(2) The protection of their respective wildlife resources can be
4	materially affected by the degree of compliance with state statute or rule
5	relating to the management of those resources.
6	(3) The preservation, protection, management, and restoration of
7	wildlife contributes immeasurably to the aesthetic, recreational, and economic
8	aspects of these natural resources.
9	(4) Wildlife resources are valuable without regard to political
10	boundaries; therefore, all persons should be required to comply with wildlife
11	preservation, protection, management, and restoration statutes, rules, and other
12	law of all party states as a condition precedent to the continuance or issuance
13	of any license to hunt, fish, trap, or possess wildlife.
14	(5) Violation of wildlife laws interferes with the management of wildlife
15	resources and may endanger the safety of persons and property.
16	(6) The mobility of many wildlife law violators necessitates the
17	maintenance of channels of communications among the various states.
18	(7) A person who is cited for a wildlife violation in a state other than the
19	person's home state:
20	(A) shall post collateral or bond to secure appearance for a trial at a
21	later date;

1	(B) if unable to post collateral or bond, shall be taken into custody
2	until the collateral or bond is posted; or
3	(C) shall be taken directly to court for an immediate appearance.
4	(8) The purpose of the enforcement practices described in subdivision
5	(7) of this subsection is to ensure compliance with the terms of a wildlife
6	citation by the person who, if permitted to continue on the person's way after
7	receiving the citation, could return to the person's home state and disregard the
8	person's duty under the terms of the citation.
9	(9) A person receiving a wildlife citation in the person's home state is
10	permitted to accept the citation from the officer at the scene of the violation
11	and to continue immediately on the person's way after agreeing or being
12	instructed to comply with the terms of the citation.
13	(10) The practice described in subdivision (7) of this subsection causes
14	unnecessary inconvenience and, at times, a hardship for the person who is
15	unable at the time to post collateral, furnish a bond, stand trial, or pay the fine,
16	and thus is compelled to remain in custody until some alternative arrangement
17	can be made.
18	(11) The enforcement practices described in subdivision (7) of this
19	subsection consume an undue amount of law enforcement time.

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1	(b) It is the policy of the party states to:
2	(1) Promote compliance with the statutes, rules, and other applicable
3	law relating to management of wildlife resources in their respective states.
4	(2) Recognize the suspension of wildlife license privileges or rights of
5	any person whose license privileges or rights have been suspended by a party
6	state and treat this suspension as if it had occurred in their state.
7	(3) Allow violators to accept a wildlife citation, except as provided in
8	subsection (b) of Article III of this compact, and be released without delay
9	whether or not the person is a resident in the state in which the citation was
10	issued, provided that the violator's home state is party to this compact.
11	(4) Report to the appropriate party state any conviction recorded against
12	any person whose home state was not the issuing state.
13	(5) Allow the home state to recognize and treat convictions recorded for
14	their residents which occurred in another party state as if they had occurred in
15	the home state.
16	(6) Extend cooperation to its fullest extent among the party states for
17	obtaining compliance with the terms of a wildlife citation issued in one party
18	state to a resident of another party state.
19	(7) Maximize effective use of law enforcement personnel and
20	information.

1	(8) Assist court systems in the efficient disposition of wildlife
2	violations.
3	(c) The purpose of this compact is to:
4	(1) Provide a means through which the party states may participate in a
5	reciprocal program to effectuate policies enumerated in subsection (b) of this
6	article in a uniform and orderly manner.
7	(2) Provide for the fair and impartial treatment of wildlife violators
8	operating within party states in recognition of the person's right of due process
9	and the sovereign status of a party state.
10	ARTICLE II
11	Definitions
12	The definitions in this article apply throughout this compact and are
13	intended only for the implementation of this compact:
14	(1) "Citation" means any summons, complaint, ticket, penalty
15	assessment, or other official document issued by a wildlife officer or other
16	peace officer for a wildlife violation containing an order which requires the
17	person to respond
	person to respond.
18	(2) "Collateral" means any cash or other security deposited to secure an
18 19	

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1	(3) "Compliance" with respect to a citation means the act of answering
2	the citation through appearance at a court, a tribunal, or payment of fines,
3	costs, and surcharges, if any, or both such appearance and payment.
4	(4) "Conviction" means a conviction, including any court conviction, of
5	any offense related to the preservation, protection, management, or restoration
6	of wildlife which is prohibited by state statute, rule, or other relevant law, or a
7	forfeiture of bail, bond, or other security deposited to secure the appearance by
8	a person charged with having committed any such offense, or payment of a
9	penalty assessment, or a plea of nolo contendere, or the imposition of a
10	deferred or suspended sentence by the court.
11	(5) "Court" means a court of law.
12	(6) "Home state" means the state of primary residence of a person.
13	(7) "Issuing state" means the party state which issues a wildlife citation
14	to the violator.
15	(8) "License" means any license, permit, or other public document
16	which conveys to the person to whom it was issued the privilege of pursuing,
17	possessing, or taking any wildlife regulated by statute, rule, or other relevant
18	law of a party state.
19	(9) "Licensing authority" means the department within each party state
20	which is authorized by law to issue or approve licenses or permits to hunt, fish,
21	trap, or possess wildlife.

1	(10) "Party state" means any state which enacts legislation to become a
2	member of this wildlife compact.
3	(11) "Personal recognizance" means an agreement by a person made at
4	the time of issuance of the wildlife citation that the person will comply with
5	the terms of that citation.
6	(12) "State" means any state, territory, or possession of the United
7	States, the District of Columbia, Commonwealth of Puerto Rico, Provinces of
8	Canada, or other countries.
9	(13) "Suspension" means any revocation, denial, or withdrawal of any
10	or all license privileges or rights, including the privilege or right to apply for,
11	purchase, or exercise the benefits conferred by any license.
12	(14) "Terms of the citation" means those conditions and options
13	expressly stated upon the citation.
14	(15) "Wildlife" means all species of animals, including but not
15	necessarily limited to mammals, birds, fish, reptiles, amphibians, mollusks,
16	and crustaceans, which are defined as "wildlife" and are protected or otherwise
17	regulated by statute, rule, or other relevant law in a party state. "Wildlife" also
18	means food fish and shellfish as defined by statute, rule, or other relevant law
19	in a party state. Species included in the definition of "wildlife" vary from state
20	to state and determination of whether a species is "wildlife" for the purposes of
21	this compact shall be based on local law.

1	(16) "Wildlife law" means any statute, law, regulation, ordinance, or
2	administrative rule developed and enacted to manage wildlife resources and
3	the use thereof.
4	(17) "Wildlife officer" means any individual authorized by a party state
5	to issue a citation for a wildlife violation.
6	(18) "Wildlife violation" means any cited violation of a statute, rule, or
7	other relevant law developed and enacted to manage wildlife resources and the
8	use thereof.
9	<u>ARTICLE III</u>
10	Procedures for Issuing State
11	(a) When issuing a citation for a wildlife violation, a wildlife officer shall
12	issue a citation to any person whose primary residence is in a party state in the
13	same manner as if the person were a resident of the home state and shall not
14	require the person to post collateral to secure appearance, subject to the
15	exceptions contained in subsection (b) of this article, if the officer receives the
16	person's personal recognizance that the person will comply with the terms of
17	the citation.
18	(b) Personal recognizance is acceptable:
19	(1) If not prohibited by local law or the rules of the fish and wildlife
20	board; and

1	(2) If the violator provides adequate proof of the violator's identification
2	to the wildlife officer.
3	(c) Upon conviction or failure of a person to comply with the terms of a
4	wildlife citation, the appropriate official shall report the conviction or failure to
5	comply to the licensing authority of the party state in which the wildlife
6	citation was issued. The report shall be made in accordance with procedures
7	specified by the issuing state.
8	(d) Upon receipt of the report of conviction or noncompliance required by
9	subsection (c) of this article, the licensing authority of the issuing state shall
10	transmit to the licensing authority in the home state of the violator the
11	information in a form and content specified by the department of fish and
12	wildlife in rule.
13	ARTICLE IV
14	Procedures for Home State
15	(a) Upon receipt of a report of failure to comply with the terms of a citation
16	from the licensing authority of the issuing state, the licensing authority of the
17	home state shall notify the violator, shall initiate a suspension action in
18	accordance with the home state's suspension procedures and shall suspend the
19	violator's license privileges or rights until satisfactory evidence of compliance
20	with the terms of the wildlife citation has been furnished by the issuing state to
21	the home state licensing authority. Due process safeguards will be accorded.

1	(b) Upon receipt of a report of conviction from the licensing authority of
2	the issuing state, the licensing authority of the home state shall enter such
3	conviction in its records according to current procedure and shall treat such
4	conviction as if it occurred in the home state for the purposes of the suspension
5	of license privileges.
6	(c) The licensing authority of the home state shall maintain a record of
7	actions taken and make reports to issuing states as provided in rules adopted by
8	the department of fish and wildlife.
9	<u>ARTICLE V</u>
10	Reciprocal Recognition of Suspension
11	All party states shall recognize the suspension of license privileges or rights
12	of any person by any state as if the violation on which the suspension is based
13	had in fact occurred in the person's state and would have been the basis for
14	suspension of license privileges or rights in his or her state.
15	<u>ARTICLE VI</u>
16	Applicability of Other Laws
17	Except as expressly required by provisions of this compact, nothing herein
18	shall be construed to affect the right of any party state to apply any of its laws
19	relating to license privileges to any person or circumstance, or to invalidate or
20	prevent any agreement or other cooperative arrangements between a party state
21	and a nonparty state concerning wildlife law enforcement.

1	ARTICLE VII
2	Compact Administrator Procedures
3	(a) For the purpose of administering the provisions of this compact and to
4	serve as a governing body for the resolution of all matters relating to the
5	operation of this compact, a board of compact administrators is established.
6	The board of compact administrators shall be composed of one representative
7	from each of the party states to be known as the compact administrator. The
8	compact administrator shall be appointed by the head of the licensing authority
9	of each party state, or his or her designee, and will serve and be subject to
10	removal in accordance with the laws of the state the administrator represents.
11	A compact administrator may provide for the discharge of the administrator's
12	duties and the performance of the administrator's functions as a board of
13	compact administrators' member by an alternate. An alternate may not be
14	entitled to serve unless written notification of the alternate's identity has been
15	given to the board of compact administrators.
16	(b) Each member of the board of compact administrators shall be entitled to
17	one vote. No action of the board of compact administrators shall be binding
18	unless taken at a meeting at which a majority of the total number of votes on
19	the board of compact administrators are cast in favor thereof. Action by the
20	board of compact administrators shall be only at a meeting at which a majority
21	of the party states are represented.

1	(c) The board of compact administrators shall elect annually, from its
2	membership, a chairperson and vice chairperson.
3	(d) The board of compact administrators shall adopt bylaws, not
4	inconsistent with the provisions of this compact or the laws of a party state, for
5	the conduct of its business and shall have the power to amend and rescind its
6	<u>bylaws.</u>
7	(e) The board of compact administrators may accept for any of its purposes
8	and functions under this compact all donations and grants of money,
9	equipment, supplies, materials, and services, conditional or otherwise, from
10	any state, the United States, or any governmental agency, and may receive,
11	utilize, and dispose of the same.
12	(f) The board of compact administrators may contract with or accept
13	services or personnel from any governmental or intergovernmental agency,
14	individual, firm, corporation, or any private nonprofit organization or
15	institution.
16	(g) The board of compact administrators shall formulate all necessary
17	procedures and develop uniform forms and documents for administering the
18	provisions of this compact. All procedures and forms adopted pursuant to
19	board of contact administrators' action shall be contained in the rules adopted
20	by the department of fish and wildlife.

1	ARTICLE VIII
2	Entry Into Compact and Withdrawal
3	(a) This compact shall become effective when it has been adopted by at
4	least two states.
5	(b)(1) Entry into the compact shall be made by resolution of ratification
6	executed by the authorized officials of the applying state and submitted to the
7	chairperson of the board of compact administrators.
8	(2) The resolution shall include statements that in substance are as
9	<u>follows:</u>
10	(A) A citation of the authority by which the state is empowered to
11	become a party to this compact;
12	(B) Agreement to comply with the terms and provisions of the
13	compact; and
14	(C) That compact entry is with all states then party to the compact
15	and with any state that legally becomes a party to the compact.
16	(3) The effective date of entry shall be specified by the applying state,
17	but shall not be less than 60 days after notice has been given by the chairperson
18	of the board of compact administrators or by the secretariat of the board of
19	compact administrators to each party state that the resolution from the applying
20	state has been received.

1	(c) A party state may withdraw from this compact by official written notice
2	to the other party states, but a withdrawal shall not take effect until 90 days
3	after notice of withdrawal is given. The notice shall be directed to the compact
4	administrator of each member state. No withdrawal shall affect the validity of
5	this compact as to the remaining party states.
6	<u>ARTICLE IX</u>
7	Amendments to the Compact
8	(a) This compact may be amended from time to time. Amendments shall
9	be presented in resolution form to the chairperson of the board of compact
10	administrators and may be initiated by one or more party states.
11	(b) Adoption of an amendment shall require endorsement by all party states
12	and shall become effective 30 days after the date of the last endorsement.
13	(c) Failure of a party state to respond to the compact chairperson within
14	120 days after receipt of the proposed amendment shall constitute
15	endorsement.
16	ARTICLE X
17	Construction and Severability
18	This compact shall be liberally construed so as to effectuate the purposes
19	stated herein. The provisions of this compact shall be severable, and if any
20	phrase, clause, sentence, or provision of this compact is declared to be contrary
21	to the constitution of any party state or of the United States or the applicability

1	thereof to any government, agency, individual, or circumstance is held invalid,
2	the compact shall not be affected thereby. If this compact shall be held
3	contrary to the constitution of any party state thereto, the compact shall remain
4	in full force and effect as to the remaining states and in full force and effect as
5	to the state affected as to all severable matters.
6	<u>ARTICLE XI</u>
7	Compact Title
8	This compact shall be known as the wildlife violator compact.
9	<u>§ 4452. COMPACT ADMINISTRATOR</u>
10	The compact administrator for this state shall be the commissioner of fish
11	and wildlife or a designated representative of the commissioner. The duties of
12	the compact administrator shall be deemed a regular part of the duties of the
13	office of the commissioner of fish and wildlife.
14	<u>§ 4453. RULEMAKING</u>
15	The department of fish and wildlife may adopt rules to carry out the
16	purposes of this chapter.
17	<u>§ 4454. PENALTIES</u>
18	No person whose license, privilege, or right to hunt, fish, trap, possess, or
19	transport wildlife, having been suspended or revoked pursuant to this chapter,
20	shall be issued a license to hunt, fish, or trap in this state. A person who hunts,
21	fishes, traps, possesses, or transports wildlife in this state or who purchases or

1	possesses a license to hunt, fish, trap, possess, or transport wildlife in this state
2	in violation of a suspension or revocation pursuant to this chapter shall be
3	subject to the penalties for a big game violation as set forth under section 4453
4	of this title.
5	Sec. 2. 10 V.S.A. § 4502(b) is amended to read:
6	(b) A person violating provisions of this part shall receive points for
7	convictions in accordance with the following schedule (all sections are in Title
8	10 of Vermont Statutes Annotated):
9	* * *
10	(3) Twenty points shall be assessed for:
11	(U) Appendix § 37, excluding violations of annual deer limits,
12	requirements for youth deer hunting weekend, and limitations on feeding of
13	deer.
14	(V) § 4454. Interstate Wildlife Violator Compact.
15	* * *
16	Sec. 3. EFFECTIVE DATE
17	This act shall take effect on July 1, 2011.

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