

**H.570: An Act Relating to Hunting, Fishing, and Trapping**  
Review of Provisions within Jurisdiction of Committee on Judiciary

**Overview-Fish and Wildlife Violations**

- A fish and wildlife violation is defined under 10 V.S.A. § 4551 as:
  - a violation of any provision in 10 V.S.A. part 4, other than a violation for which a term of imprisonment may be imposed,
  - a minor violation as defined in section 4572 of this title, or
  - a violation of a rule adopted under part 4 of Title 10.
- Under 10 V.S.A. § 4552, the Vermont Criminal Division of the Superior Court shall have exclusive jurisdiction over fish and wildlife violations.
  - Venue for adjudicating fish and wildlife violations is the Criminal Division of the Superior Court in the geographic area of the offense.
- Minor fish and wildlife violations are specified under 10 V.S.A. § 4572.
  - Minor fish and wildlife violations are supposed to be treated as civil penalties.
  - The Judicial Bureau has jurisdiction over minor fish and wildlife violations.

**H.570. Summary of Provisions**

Sec. 1: 10 V.S.A. § 4083. Sale of Fish

- Authorizes Fish and Wildlife Board to adopt rules for the sale of fish caught in Vermont.

Sec. 2. 10 V.S.A. § 4611. Permit for the Sale of Fish

- Provides that a person shall not sell fish caught in Vermont without a permit, as required under the rule of the Fish and Wildlife Board.

Sec. 3. 10 V.S.A. § 4605. Placing Fish in Waters

- Requires a permit from the Department of Fish and Wildlife to stock fish in State waters.
- The Commissioner of Fish and Wildlife may, by rule, prohibit the introduction of fish to specific waters.

Sec. 4. 10 V.S.A. § 4501. Aiding in Violations

- Amends statute to clarify what constitutes aiding in a fish and wildlife violation.
  - Would now include a person who drives, transports, scouts, counsels, or otherwise aids another person in a fish and wildlife violation; or
  - Who knowingly possesses, consumes, or otherwise shares in proceeds of a violation by receiving or possessing fish or wildlife or parts thereof.

Sec. 5. 10 V.S.A. § 4502. Uniform Point System

- Amends the points a person receives on a license when they commit a fish and game violation.<sup>1</sup>
- Provides that a person who is convicted of reckless endangerment and assault during hunting is assessed 20 points on their license.
  - This will require the violator to complete a remedial hunting course prior to license reinstatement, which is currently not required.

Sec. 6. 10 V.S.A. § 4503. Unlawful Equipment; Forfeiture

- Current law provides for forfeiture of firearms, equipment, and motor vehicles when used by a person in the taking or transport of big game.
- Sec. 6 amends current law to specify the big game violations for which forfeiture shall apply: § 4745 (taking game out of season); § 4781 (big game possession); § 4783 (purchase/sale of big game); § 4784 (big game transport); § 4705a (shooting from motor vehicle); § 4280 (taking wildlife during license suspension); § 4606 (fishing with illegal means)
- Motor vehicle forfeiture would not be authorized for § 4609 (illegal fishing) or first violations of § 4781 (big game possession); § 4783 (purchase/sale of big game); § 4784 (big game transport);
- Proceeds for the sale of forfeited items are deposited in the Fish and Wildlife Fund.

Sec. 7. 10 V.S.A. § 4514. Restitution; Big Game Violation

- Current law provides that a person illegally taking wild animals shall pay restitution in specific amounts. Current law does not provide the minimum amount.
- Sec. 7 clarifies that restitution is required for taking a threatened and endangered (T&E) species
- Sec. 7 sets the minimum restitution for big game and T&E-\$500, small game-\$50, and fish-\$25.
- Requires a person who damages a wildlife decoy to pay restitution to Fish and Wildlife Fund .

Sec. 8. 10 V.S.A. § 4517. Destruction of State Property

- Requires a person convicted or intentionally or recklessly damaging Fish and Wildlife property to pay restitution to the Fish and Wildlife Fund for repair or replacement.

Sec. 9. 10 V.S.A. § 4518. Big Game Violations; Threatened and Endangered Species Violations

- Adds T&E species to the list of big game violations
- Increases the fine for big game and T&E to \$4,000 and no less than \$2,000.

Sec. 10. 10 V.S.A. § 4572. Minor Fish and Wildlife Violations; Judicial Bureau

- Strikes felt soled wader ban as minor violation (ban repealed)
- Adds violation of biological collection rule as a minor violation.

---

<sup>1</sup> Licenses shall be suspended as follows: (1) For 10 to 14 points accumulated in five years-a one-year suspension. (2) For 15 to 19 points accumulated in five years-a two-year suspension. (3) For 20 or more points accumulated in five years-a three-year suspension.

Sec. 11. 10 V.S.A. § 4616. Felt Sole Waders

- Repeals the ban on felt soled waders.

Sec. 12. 10 V.S.A. § 4708. Interference with Hunting, Fishing, Trapping

- Clarifies what constitutes interfering with hunting, fishing, and trapping
- Now includes intentional: (1) tampering with traps, nets, bait, firearms, or any other thing used for hunting, trapping, or fishing; (2) placing himself or herself in a position, for the purpose of interfering, that hinders or prevents hunting, trapping, or fishing; or (3) engaging in an activity, for the purpose of interfering, that drives, harasses, disturbs wildlife or fish.

Sec. 13. 10 V.S.A. § 4745. Taking Big Game out of Season

- Amends the existing prohibition against taking deer out of season so that it applies to taking big game out of season
- Clarifies that the violation does not apply to deer, bear, or other wildlife doing damage.

Sec. 14. 10 V.S.A. § 4781. Big Game Possession

- Clarifies the violation for big game possession.
- Also clarifies when a person may lawfully possess big game—during open season and a reasonable time thereafter.

Sec. 15. 10 V.S.A. § 4784. Transportation of Big Game

- Clarifies the violation of transport of big game as applying to any big game taken by unlawful means or in violation of statute or rules.

Secs. 16 and 17. 10 V.S.A. § 5201-5201. Posting Waters

- Repeals authority to post State waters as lands where property owner has exclusive right to fish.
- Current law allows a person to post waters if they stock waters with fish. Stocking would now be prohibited unless permitted by Commissioner (See Sec. 3).

Sec. 18. Repeal of Repeal of Use of Gun Suppressors at Sport Shooting Ranges

- In 2015, the General Assembly authorized the use of gun suppressors at sport shooting ranges subject to sunset in July of 2017.
- Sec. 18 repeals the sunset.

Sec. 19. Effective Dates

- The bill takes effect July 1, 2016, except for Secs. 1-3 relating to sale and stocking of fish.