

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 230
3 entitled “An act relating to the management of fish and wildlife” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out Secs. 4 and 5 in their entirety and inserting in lieu
6 thereof new Secs. 4 and 5 to read as follows:

7 Sec. 4. 10 V.S.A. § 4552 is amended to read:

8 § 4552. JURISDICTION; VENUE

9 The Vermont Criminal Division of the Superior Court shall have exclusive
10 jurisdiction over fish and wildlife violations with the exception of violations
11 related to section 4572 and chapters 123 and 124 of this title. Venue for
12 adjudicating fish and wildlife violations shall be the unit of the Criminal
13 Division of the Superior Court having jurisdiction over the geographical area
14 where the offense is stated to have occurred.

15 Sec. 5. 10 V.S.A. § 4572 is amended to read:

16 § 4572. DEFINITIONS

17 (a) As used in this subchapter, a “minor fish and wildlife” violation means:

18 (1) a violation of 10 V.S.A. § 4145 (violation of access and landing area
19 rules);

20 (2) a violation of 10 V.S.A. § 4251 (taking wild animals and fish
21 without a license);

1 (3) a violation of 10 V.S.A. § 4266 (failure to carry a license on person
2 or failure to exhibit license);

3 (4) a violation of 10 V.S.A. § 4267 (false statements in license
4 application; altering license; transferring license to another person; using
5 another person's license; or guiding an unlicensed person);

6 (5) a violation of 10 V.S.A. § 4713 (tree or ground stands or blinds); ~~or~~

7 (6) [Repealed.]

8 (7) a violation of a biological collection rule adopted by the Board under
9 part 4 of this title; or

10 (8) Except for big game offenses and under revocation offenses, a fish
11 and wildlife violation, as that term is defined by 10 V.S.A § 4551, and not
12 otherwise listed in this section shall be charged as a minor violation, provided
13 that:

14 (A) the offender has no prior history of fish and wildlife violations;

15 (B) no evidence was seized in relation to the violation;

16 (C) a criminal warrant was not used in relation to the
17 violation; and

18 (D) there is no possibility of forfeiture.

19 (b) "Bureau" means the Judicial Bureau as created in 4 V.S.A. § 1102.

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5 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE