

**Department of Fish and Wildlife
Division of Warden Service**

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*Agency of Natural Resources
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To: Senator Anne Watson

From: Colonel Justin Stedman, Warden Service

Re: Testimony on H230

Date: 5/12/25

Senator Watson,

The Department recognizes that the topic of intent in H.230 section 6 (Reptiles and Amphibians; Taking; Possession) has been an issue of concern for both the House committee and for your committee. I wanted to reach out and let you know that the Department withdraws its objection to the use of the word “intentionally” in the proposed § 4085(a).

I would also like to take this opportunity to address the testimony that was given to your committee on Friday 5/9/25 by Legislative Counsel Mike O’Grady related to the word intent in H.230.

Firstly, the Warden Service has no policies that create categorical exclusions for the enforcement of fish and wildlife violations. In particular, there is no policy related to enforcement discretion around deer and vehicles. I used the example of deer because of the large number that are killed every year by cars and the few people charged to illustrate that wardens exercise discretion, compassion, empathy, understanding, and an assessment of the facts of the case to NOT charge people for unintentional and accidental acts. The assertion that this is due to a policy determination is not true and I feel it is important for you and your Committee to understand that.

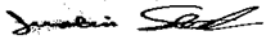
Secondly, I wanted to clarify the point around where “intentional” appears in Title 10. There are only two places in Title 10 where intent appears as it relates to taking. That is the wanton waste law, 10 V.S.A § 4922 and the snaring law, 10 V.S.A § 4906. Intent in Fish & Wildlife law is much more difficult an issue to prove than in other sections of law.

That said, the Department recognizes both the House and Senate Committee’s concerns related to enforcement discretion and the potential for incidental take of reptiles and amphibians and withdraws its objection to the ban on “intentional” take of reptiles and amphibians.



Thank you for your time.

Respectfully,



Colonel Justin Stedmen
Vermont Warden Service

Cc: Andrea Shortsleeve, Interim Commissioner

