

HOUSE RESEARCH

Bill Summary

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Authors: Haas and others

Subject: Game & Fish Overlimit Violations

Analyst: John Helland, 651-296-5039

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Overview

This bill stems from a law passed in 2000, chapter 466, section 6, that required a report from the commissioner of the department of natural resources (DNR) on increased penalties for gross violations of taking game and fish resources.

Section

- 1 **Custodial arrest.** Allows a conservation officer, when suspecting a gross overlimit violation, to arrest and take into custody the violator until a court appearance.
- 2 **Confiscated property.** Authorizes the seizure by an officer of all equipment used in a gross overlimit situation
- 3 **Seizure.** Authorizes the seizure of motor vehicles and motorboats used in a gross overlimit situation.
- 4 **Two or more people.** Mandates joint and several liability, when two or more people involved in a gross overlimit situation, for the restitution value of the animals.
- 5 **Penalties.** (1) First degree: a felony, when the restitution value of the animals is \$5,000 or more. (2) Second degree: a gross misdemeanor, when the restitution value of the animals is between \$1,500 and \$5,000. (3) Third degree: a gross misdemeanor, when the restitution value of the animals is between \$500 and \$1,500.
Subd. 4. Makes the restitution value of the wild animals as established by statute and rule (see attached page), or determined by the court if not established in law.
- 6 **License seizure.** Requires immediate seizure of the license involved by an officer when the restitution value is at least \$500. When the value is \$1,500 or more, all game and fish licenses of the violator must be seized and no duplicate license is allowed.

Subd. 2 provides for an administrative appeal to the DNR Commissioner by an individual under license seizure. Certain allowances are made for commercial license holders.

7 **License reissuance.** (a) ten years after conviction for a first-degree violation; (b) five years after conviction for a second-degree violation; (c) three years after conviction for a third-degree violation; and no court stay of these revocation provisions is allowed.

8 **Rules.** Requires the amendment of permanent rules by the DNR for this bill, and mandates a restitution value of \$100 for a canvasback duck, \$1,200 for a trumpeter swan, and \$10 for a yellow perch of 12 inches or more.

9 **Effective date.** May 1, 2001.