

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 94

DATE: February 26, 2001

Version: Third Engrossment

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Subject: Game & Fish Overlimit Violations

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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 **Two or more people.** Mandates joint and several liability, when two or more people are involved in a gross overlimit situation.
- 4 **Penalties.** (1) First degree: when the restitution value of the animals is \$5,000 or more. (2) Second degree: when the restitution value of the animals is between \$1,500 and \$5,000. (3) Third degree: when the restitution value of the animals is between \$500 and \$1,500. Makes all gross overlimit violations a gross misdemeanor. The varying degrees affect the scope and length of license revocations (see sections 5 and 6 of the bill).
Subd. 5. 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.
- 5 **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.

Subdivision 2 provides for an administrative appeal to the DNR Commissioner by an individual

under license seizure. Subdivisions 3 and 4 provide for judicial review of a licensure seizure. Certain allowances are made for commercial license holders. Subdivision 6 provides for release or revocation of a license seizure

6 **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.

7 **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 less.

8 **Effective date.** August 1, 2001.