HOUSE RESEARCH

Bill Summary

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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

- Confiscated property. Authorizes the seizure by an officer of all equipment used in a gross overlimit situation
- **Two or more people.** Mandates joint and several liability, when two or more people are involved in a gross overlimit situation.
- 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 4 and 5 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.
 - **Subd. 6.** Defines game fish under five inches as "fingerlings" and prescribes various penalties depending on fingerlings affected for licensed minnows dealers and aquatic farm licensees.
- 4 **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

- 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.
- 6 **License reinstatement.** Allows limited licenses to be reinstated by the DNR commissioner, if no injury to the public welfare.
- 7 **Minnow dealers.** Describes possession for minnows not over four inches in length.
- **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.
- 9 **Effective date.** August 1, 2001.