

2013 -- S 0814 SUBSTITUTE A

=====
LC01969/SUB A
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————
A N A C T

RELATING TO FISH AND WILDLIFE - INTERSTATE WILDLIFE VIOLATOR COMPACT

Introduced By: Senators Cool Rumsey, Archambault, Raptakis, and P Fogarty

Date Introduced: April 04, 2013

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 20 of the General Laws entitled "FISH AND WILDLIFE" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 39

4 INTERSTATE WILDLIFE VIOLATOR COMPACT

5 **20-39-1. Interstate wildlife violator compact.** – The interstate wildlife violator compact
6 is entered with all states legally joining the compact, in the form substantially as follows:

7 ARTICLE I

8 Findings, Declaration of Policy and Purpose

9 (a) The participating states find that:

10 (1) Wildlife resources are managed in trust by the respective states for the benefit of all
11 residents and visitors.

12 (2) The protection of the wildlife resources of a state is materially affected by the degree
13 of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating
14 to the management of such resources.

15 (3) The preservation, protection, management, and restoration of wildlife contributes
16 immeasurably to the aesthetic, recreational, and economic aspects of such natural resources.

17 (4) Wildlife resources are valuable without regard to political boundaries; therefore,
18 every person should be required to comply with wildlife preservation, protection, management,
19 and restoration laws, ordinances, and administrative rules and regulations of the participating

1 states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or
2 possess wildlife.

3 (5) Violation of wildlife laws interferes with the management of wildlife resources and
4 may endanger the safety of persons and property.

5 (6) The mobility of many wildlife law violators necessitates the maintenance of channels
6 of communication among the various states.

7 (7) In most instances, a person who is cited for a wildlife violation in a state other than
8 his/her home state:

9 (i) Is required to post collateral or a bond to secure appearance for a trial at a later date; or

10 (ii) Is taken into custody until the collateral or bond is posted; or

11 (iii) Is taken directly to court for an immediate appearance.

12 (8) The purpose of the enforcement practices set forth in subdivision (7) is to ensure
13 compliance with the terms of a wildlife citation by the cited person who, if permitted to continue
14 on his/her way after receiving the citation, could return to his/her home state and disregard his/her
15 duty under the terms of the citation.

16 (9) In most instances, a person receiving a wildlife citation in his/her home state is
17 permitted to accept the citation from the officer at the scene of the violation and immediately
18 continue on his/her way after agreeing or being instructed to comply with the terms of the
19 citation.

20 (10) The practices described in subdivision (7) cause unnecessary inconvenience and, at
21 times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand
22 trial, or pay a fine, and thus is compelled to remain in custody until some alternative arrangement
23 is made.

24 (11) The enforcement practices described in subdivision (7) consume an undue amount of
25 law enforcement time.

26 (b) It is the policy of the participating states to:

27 (1) Promote compliance with the statutes, laws, ordinances, regulations, and
28 administrative rules relating to management of wildlife resources in their respective states.

29 (2) Recognize the suspension of wildlife license privileges of any person whose license
30 privileges have been suspended by a participating state and treat such suspension as if it had
31 occurred in their state.

32 (3) Allow a violator, except as provided in subsection (b) of Article III, to accept a
33 wildlife citation and, without delay, proceed on his/her way, whether or not a resident of the state
34 in which the citation was issued, provided that the violator's home state is party to this compact.

1 (4) Report to the appropriate participating state, as provided in the compact manual, any
2 conviction recorded against any person whose home state was not the issuing state.

3 (5) Allow the home state to recognize and treat convictions recorded against its residents,
4 which convictions occurred in a participating state, as though they had occurred in the home state.

5 (6) Extend cooperation to its fullest extent among the participating states for enforcing
6 compliance with the terms of a wildlife citation issued in one participating state to a resident of
7 another participating state.

8 (7) Maximize effective use of law enforcement personnel and information.

9 (8) Assist court systems in the efficient disposition of wildlife violations.

10 (c) The purpose of this compact is to:

11 (1) Provide a means through which participating states may join in a reciprocal program
12 to effectuate the policies enumerated in subsection (b) in a uniform and orderly manner.

13 (2) Provide for the fair and impartial treatment of wildlife violators operating within
14 participating states in recognition of the violator's right to due process and the sovereign status of
15 a participating state.

16 ARTICLE II

17 Definitions

18 As used in this compact and sections 20-39-2 through 20-39-5, unless the context
19 requires otherwise:

20 (1) "Citation" means any summons, complaint, summons and complaint, ticket, penalty
21 assessment, or other official document issued to a person by a wildlife officer or other peace
22 officer for a wildlife violation which contains an order requiring the person to respond.

23 (2) "Collateral" means any cash or other security deposited to secure an appearance for
24 trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a
25 wildlife violation.

26 (3) "Compliance" with respect to a citation means the act of answering a citation through
27 an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if
28 any.

29 (4) "Conviction" means a conviction, including any court conviction, for any offense
30 related to the preservation, protection, management, or restoration of wildlife and which is
31 prohibited by state statute, law, regulation, ordinance, or administrative rule, and such conviction
32 shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance
33 by a person charged with having committed any such offense, the payment of a penalty
34 assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence by

- 1 the court.
- 2 (5) “Court” means a court of law, including magistrate’s court, and the justice of the
3 peace court.
- 4 (6) “Home state” means the state of primary residence of a person.
- 5 (7) “Issuing state” means the participating state which issues a wildlife citation to the
6 violator.
- 7 (8) “License” means any license, permit, or other public document which conveys to the
8 person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife
9 regulated by statute, law, regulation, ordinance, or administrative rule of a participating state.
- 10 (9) “Licensing authority” means the department or division within each participating state
11 which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess
12 wildlife.
- 13 (10) “Participating state” means any state which enacts legislation to become a member
14 of this wildlife compact.
- 15 (11) “Personal recognizance” means an agreement by a person made at the time of
16 issuance of the wildlife citation that such person will comply with the terms of the citation.
- 17 (12) “State” means any state, territory, or possession of the United States, the District of
18 Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, and other countries.
- 19 (13) “Suspension” means any revocation, denial, or withdrawal of any or all license
20 privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any
21 license.
- 22 (14) “Terms of the citation” means those conditions and options expressly stated upon the
23 citation.
- 24 (15) “Wildlife” means all species of animals including, but not limited to, mammals,
25 birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as “wildlife” and
26 are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule
27 in a participating state. Species included in the definition of “wildlife” vary from state to state and
28 determination of whether a species is “wildlife” for the purposes of this compact shall be based
29 on local law.
- 30 (16) “Wildlife law” means any statute, law, regulation, ordinance, or administrative rule
31 developed and enacted for the management of wildlife resources and the uses thereof.
- 32 (17) “Wildlife officer” means any individual authorized by a participating state to issue a
33 citation for a wildlife violation.
- 34 (18) “Wildlife violation” means any cited violation of a statute, law, regulation,

1 ordinance, or administrative rule developed and enacted for the management of wildlife resources
2 and the uses thereof.

3 ARTICLE III

4 Procedures for Issuing State

5 (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation
6 to any person whose primary residence is in a participating state in the same manner as though
7 the person were a resident of the issuing state and shall not require such person to post collateral
8 to secure appearance, subject to the exceptions noted in subsection (b) if the officer receives the
9 recognizance of such person that he/she will comply with the terms of the citation.

10 (b) Personal recognizance is acceptable:

11 (1) If not prohibited by state or local law or the compact manual; and

12 (2) If the violator provides adequate proof of identification to the wildlife officer.

13 (c) Upon conviction or failure of a person to comply with the terms of a wildlife citation,
14 the appropriate official shall report the conviction or failure to comply to the licensing authority
15 of the participating state in which the wildlife citation was issued. The report shall be made in
16 accordance with procedures specified by the issuing state and shall contain information as
17 specified in the compact manual as minimum requirements for effective processing by the home
18 state.

19 (d) Upon receipt of the report of conviction or noncompliance pursuant to subsection (c),
20 the licensing authority of the issuing state shall transmit to the licensing authority of the home
21 state of the violator the information in form and content as prescribed in the compact manual.

22 ARTICLE IV

23 Procedure for Home State

24 (a) Upon receipt of a report from the licensing authority of the issuing state reporting the
25 failure of a violator to comply with the terms of a citation, the licensing authority of the home
26 state shall notify the violator and shall initiate a suspension action in accordance with the home
27 state's suspension procedures and shall suspend the violator's license privileges until satisfactory
28 evidence of compliance with the terms of the wildlife citation has been furnished by the issuing
29 state to the home state licensing authority. All member states may honor a suspension based on
30 failure to comply. Due process safeguards will be accorded.

31 (b) Upon receipt of a report of conviction from the licensing authority of the issuing state,
32 the licensing authority of the home state may enter such conviction in its records and may treat
33 such conviction as though it occurred in the home state for the purposes of the suspension of
34 license privileges if the violation resulting in a suspension could have been the basis for

1 suspension of license privileges in the home state.

2 (c) The licensing authority of the home state shall maintain a record of actions taken and
3 shall make reports to issuing states as provided in the compact manual.

4 ARTICLE V

5 Reciprocal Recognition of Suspension

6 (a) All participating states shall recognize the suspension of license privileges of any
7 person by any participating state as though the violation resulting in the suspension had occurred
8 in their state and could have been the basis for suspension of license privileges in their state.

9 (b) Each participating state shall communicate suspension information to other
10 participating states in form and content as contained in the compact manual.

11 ARTICLE VI

12 Applicability of Other Laws

13 Except as expressly required by provisions of this compact, nothing herein shall be
14 construed to affect the right of any participating state to apply any of its laws relating to license
15 privileges to any person or circumstance or to invalidate or prevent any agreement or other
16 cooperative arrangement between a participating state and a nonparticipating state concerning
17 wildlife law enforcement.

18 ARTICLE VII

19 Compact Administrator Procedures

20 (a) For the purpose of administering the provisions of this compact and to serve as a
21 governing body for the resolution of all matters relating to the operation of this compact, a board
22 of compact administrators is established. The board shall be composed of one representative from
23 each of the participating states to be known as the compact administrator. The compact
24 administrator shall be appointed by the head of the licensing authority of each participating state
25 and shall serve and be subject to removal in accordance with the laws of the state he or she
26 represents. A compact administrator may provide for the discharge of his or her duties and the
27 performance of his or her functions as a board member by an alternate. An alternate shall not be
28 entitled to serve unless written notification of his or her identity has been given to the board.

29 (b) Each member of the board of compact administrators shall be entitled to one vote. No
30 action of the board shall be binding unless taken at a meeting at which a majority of the total
31 number of the board's votes are cast in favor thereof. Action by the board shall be only at a
32 meeting at which a majority of the participating states are represented.

33 (c) The board shall elect annually from its membership a chairperson and vice-
34 chairperson.

1 (d) The board shall adopt bylaws not inconsistent with the provisions of this compact or
2 the laws of a participating state for the conduct of its business and shall have the power to amend
3 and rescind its bylaws.

4 (e) The board may accept for any of its purposes and functions under this compact any
5 and all donations and grants of moneys, equipment, supplies, materials, and services, conditional
6 or otherwise, from any state, the United States, or any governmental agency, and may receive,
7 utilize and dispose of same.

8 (f) The board may contract with, or accept services or personnel from, any governmental
9 or intergovernmental agency, individual, firm, or corporation, or any private nonprofit
10 organization or institution.

11 (g) The board shall formulate all necessary procedures and develop uniform forms and
12 documents for administering the provisions of this compact. All procedures and forms adopted
13 pursuant to board action shall be contained in a compact manual.

14 ARTICLE VIII

15 Entry into Compact and Withdrawal

16 (a) This compact shall become effective at such time as it is adopted in substantially
17 similar form by two (2) or more states.

18 (b)(1) Entry into the compact shall be made by resolution of ratification executed by the
19 authorized officials of the applying state and submitted to the chairman of the board.

20 (2) The resolution shall substantially be in the form and content as provided in the
21 compact manual and shall include the following:

22 (i) A citation of the authority from which the state is empowered to become a party to this
23 compact;

24 (ii) An agreement of compliance with the terms and provisions of this compact; and

25 (iii) An agreement that compact entry is with all states participating in the compact and
26 with all additional states legally becoming a party to the compact.

27 (3) The effective date of entry shall be specified by the applying state, but shall not be
28 less than sixty (60) days after notice has been given:

29 (i) By the chairperson of the board of the compact administrators; or

30 (ii) By the secretary of the board to each participating state that the resolution from the
31 applying state has been received.

32 (c) A participating state may withdraw from participation in this compact by official
33 written notice to each participating state, but withdrawal shall not become effective until ninety
34 (90) days after the notice of withdrawal is given. The notice shall be directed to the compact

1 administrator of each member state. No withdrawal of any state shall affect the validity of this
2 compact as to the remaining participating states.

3 ARTICLE IX

4 Amendments to the Compact

5 (a) This compact may be amended from time to time. Amendments shall be presented in
6 resolution form to the chairman of the board of compact administrators and shall be initiated by
7 one or more participating states.

8 (b) Adoption of an amendment requires endorsement by all participating states and shall
9 become effective thirty (30) days after the date of the last endorsement.

10 (c) Failure of a participating state to respond to the compact chairperson within one
11 hundred twenty (120) days after receipt of a proposed amendment shall constitute endorsement
12 thereof.

13 ARTICLE X

14 Construction and Severability

15 This compact must be liberally construed so as to effectuate the purposes stated herein.
16 The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision
17 of this compact is declared to be contrary to the constitution of any participating state or of the
18 United States, or the applicability thereof to any government, agency, individual, or circumstance
19 is held invalid, the validity of the remainder of this compact shall not be affected thereby. If this
20 compact shall be held contrary to the constitution of any participating state, the compact shall
21 remain in full force and effect as to the remaining states and in full force and effect as to the
22 participating state affected as to all severable matters.

23 **20-39-2. Department authorization to effect purposes of compact.** – (a) The
24 department of environmental management shall enforce the interstate wildlife violator compact
25 and shall do all things within the department's jurisdiction that are appropriate in order to
26 effectuate the purposes and the intent of the compact.

27 (b) The department is authorized, on behalf of the state, to enter or withdraw from the
28 interstate wildlife violator compact pursuant to the terms of article VIII of the compact codified
29 pursuant to section 20-39-1.

30 (c) The department is authorized to adopt amendments to the interstate wildlife violator
31 compact pursuant to the terms of article IX of the compact codified pursuant to 20-39-1.

32 **20-39-3. Reciprocal recognition of license suspensions – Suspension of privileges for**
33 **conviction in participating state - Penalty.** – (a) When the department of environmental
34 management receives notice of the suspension of a person's hunting, trapping, or fishing

1 privileges by a participating state, the department shall determine whether the violation leading to
2 the suspension could have led to the forfeiture of privileges under Rhode Island law. If the
3 department determines that the person's privileges could have been forfeited, the department may
4 suspend the person's privileges to hunt, trap, or fish in this state for the same period as imposed
5 by the participating state not to exceed the maximum limits allowed by Rhode Island law,
6 provided the department has complied with the requirements of section 20-39-5.

7 (b) When the department receives notice of a conviction of a state resident from the
8 licensing authority of the issuing state, the department may, if the conviction is final, treat the
9 conviction as if it had occurred in Rhode Island and shall determine whether the conviction could
10 have led to the forfeiture of the resident's hunting, trapping, or fishing privileges under state law.
11 If the department determines that the resident's privileges could have been forfeited, the
12 department may suspend the resident's privileges to hunt, trap, or fish in this state for the same
13 period as the issuing state, not to exceed the limit that could have been imposed under Rhode
14 Island law, provided the department has complied with the requirements of section 20-39-5.

15 (c) Notice of the suspension must be sent to the person, who must surrender any current
16 Rhode Island hunting, trapping, or fishing licenses to the department within ten (10) days.

17 (d) A person whose privileges have been suspended and who hunts, traps, or fishes in this
18 state, who applies for or purchases any licenses or permits to hunt, trap, or fish in this state, or
19 who refuses to surrender any current hunting, trapping, or fishing licenses as required is guilty of
20 a misdemeanor.

21 **20-39-4. Suspension of privileges for failure to comply with citation issued in**
22 **participating state - Penalty.** – (a) The department of environmental management may suspend
23 the hunting, trapping, or fishing privileges of any resident of this state upon notification from the
24 licensing authority of an issuing state that the resident has failed to comply with the terms of a
25 citation issued for a wildlife violation, provided the department has complied with the
26 requirements of section 20-39-5. The suspension remains in effect until the department receives
27 satisfactory evidence of compliance from the issuing state.

28 (b) Notice of the suspension must be sent to the resident, who shall surrender all current
29 Rhode Island hunting, trapping, or fishing licenses to the department within ten (10) days.

30 (c) A person who hunts, traps, or fishes, who applies for or purchase licenses or permits,
31 or who refuses to surrender any current hunting, trapping, or fishing licenses in violation of this
32 section is guilty of a misdemeanor.

33 **20-39-5. Hearing on suspension.** – (a) Prior to suspending the hunting, trapping, or
34 fishing privileges of any person under sections 20-39-3 or 20-39-4, the department of

1 environmental management shall immediately notify the person in writing. The person may,
2 within twenty (20) days of the notice, request a hearing before the department on whether the
3 requirements for suspension have been met.

4 (b) Upon request, the department shall set a hearing as early as practicable.

5 (c)(1) The requesting person may present evidence and arguments at the hearing
6 contesting whether:

7 (i) A participating state suspended the person's privileges;

8 (ii) There was a final conviction in the participating state;

9 (iii) The person failed to comply with the terms of a citation issued for a wildlife
10 violation in a participating state; or

11 (iv) A conviction in a participating state could have led to the forfeiture of privileges
12 under Rhode Island law.

13 (2) Grounds other than those listed in subsection (a) may not be used to contest the
14 department's decision to suspend the person's privileges.

15 (d) At the hearing, the department, through its authorized agent, may:

16 (1) Administer oaths;

17 (2) Issue subpoenas for the attendance of witnesses; and

18 (3) Admit all relevant evidence and documents, including notifications from participating
19 states.

20 (e) Following the hearing, the department, through its authorized agent, may, based on
21 the evidence, affirm, modify, or rescind the suspension of privileges.

22 SECTION 2. This act shall take effect upon passage.

=====
LC01969/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO FISH AND WILDLIFE - INTERSTATE WILDLIFE VIOLATOR COMPACT

1 This act would adopt the wildlife violation compact act which recognizes violations of
2 hunting, trapping and fishing laws occurring in other states as violations in a person's home state.

3 This act would take effect upon passage.

=====
LC01969/SUB A
=====