

1  
2  
3  
4  
5  
6  
7  
8  
  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

H.53

Introduced by Representatives Lewis of Derby, McAllister of Highgate,  
McNeil of Rutland Town and Reis of St. Johnsbury  
Referred to Committee on  
Date:  
Subject: Fish and game; penalties; interstate violator compact  
Statement of purpose: This bill proposes to adopt the Interstate Wildlife  
Violator Compact.

An act relating to the Interstate Wildlife Violator Compact

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. chapter 108 is added to read:

CHAPTER 108. INTERSTATE WILDLIFE VIOLATOR COMPACT

§ 4451. ADOPTION OF COMPACT

The Wildlife Violator Compact is hereby enacted into law and entered into  
by the State of Vermont with any and all states legally joining therein in  
accordance with its terms. The compact is substantially as follows:

ARTICLE I

Findings, Declaration of Policy and Purpose

(a) The party states find that:

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

3           (2) The protection of their respective wildlife resources can be  
4 materially affected by the degree of compliance with state statute or rule  
5 relating to the management of those resources.

6           (3) The preservation, protection, management, and restoration of  
7 wildlife contributes immeasurably to the aesthetic, recreational, and economic  
8 aspects of these natural resources.

9           (4) Wildlife resources are valuable without regard to political  
10 boundaries; therefore, all persons should be required to comply with wildlife  
11 preservation, protection, management, and restoration statutes, rules, and other  
12 law of all party states as a condition precedent to the continuance or issuance  
13 of any license to hunt, fish, trap, or possess wildlife.

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

16           (6) The mobility of many wildlife law violators necessitates the  
17 maintenance of channels of communications among the various states.

18           (7) A person who is cited for a wildlife violation in a state other than the  
19 person's home state:

20           (A) shall post collateral or bond to secure appearance for a trial at a  
21 later date;

1           (B) if unable to post collateral or bond, shall be taken into custody  
2 until the collateral or bond is posted; or

3           (C) shall be taken directly to court for an immediate appearance.

4           (8) The purpose of the enforcement practices described in subdivision  
5 (7) of this subsection is to ensure compliance with the terms of a wildlife  
6 citation by the person who, if permitted to continue on the person's way after  
7 receiving the citation, could return to the person's home state and disregard the  
8 person's duty under the terms of the citation.

9           (9) A person receiving a wildlife citation in the person's home state is  
10 permitted to accept the citation from the officer at the scene of the violation  
11 and to continue immediately on the person's way after agreeing or being  
12 instructed to comply with the terms of the citation.

13           (10) The practice described in subdivision (7) of this subsection causes  
14 unnecessary inconvenience and, at times, a hardship for the person who is  
15 unable at the time to post collateral, furnish a bond, stand trial, or pay the fine,  
16 and thus is compelled to remain in custody until some alternative arrangement  
17 can be made.

18           (11) The enforcement practices described in subdivision (7) of this  
19 subsection consume an undue amount of law enforcement time.

1           (b) It is the policy of the party states to:

2           (1) Promote compliance with the statutes, rules, and other applicable  
3 law relating to management of wildlife resources in their respective states.

4           (2) Recognize the suspension of wildlife license privileges or rights of  
5 any person whose license privileges or rights have been suspended by a party  
6 state and treat this suspension as if it had occurred in their state.

7           (3) Allow violators to accept a wildlife citation, except as provided in  
8 subsection (b) of Article III of this compact, and be released without delay  
9 whether or not the person is a resident in the state in which the citation was  
10 issued, provided that the violator's home state is party to this compact.

11           (4) Report to the appropriate party state any conviction recorded against  
12 any person whose home state was not the issuing state.

13           (5) Allow the home state to recognize and treat convictions recorded for  
14 their residents which occurred in another party state as if they had occurred in  
15 the home state.

16           (6) Extend cooperation to its fullest extent among the party states for  
17 obtaining compliance with the terms of a wildlife citation issued in one party  
18 state to a resident of another party state.

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



1           (3) “Compliance” with respect to a citation means the act of answering  
2 the citation through appearance at a court, a tribunal, or payment of fines,  
3 costs, and surcharges, if any, or both such appearance and payment.

4           (4) “Conviction” means a conviction, including any court conviction, of  
5 any offense related to the preservation, protection, management, or restoration  
6 of wildlife which is prohibited by state statute, rule, or other relevant law, or a  
7 forfeiture of bail, bond, or other security deposited to secure the appearance by  
8 a person charged with having committed any such offense, or payment of a  
9 penalty assessment, or a plea of nolo contendere, or the imposition of a  
10 deferred or suspended sentence by the court.

11           (5) “Court” means a court of law.

12           (6) “Home state” means the state of primary residence of a person.

13           (7) “Issuing state” means the party state which issues a wildlife citation  
14 to the violator.

15           (8) “License” means any license, permit, or other public document  
16 which conveys to the person to whom it was issued the privilege of pursuing,  
17 possessing, or taking any wildlife regulated by statute, rule, or other relevant  
18 law of a party state.

19           (9) “Licensing authority” means the department within each party state  
20 which is authorized by law to issue or approve licenses or permits to hunt, fish,  
21 trap, or possess wildlife.

1           (10) “Party state” means any state which enacts legislation to become a  
2           member of this wildlife compact.

3           (11) “Personal recognizance” means an agreement by a person made at  
4           the time of issuance of the wildlife citation that the person will comply with  
5           the terms of that citation.

6           (12) “State” means any state, territory, or possession of the United  
7           States, the District of Columbia, Commonwealth of Puerto Rico, Provinces of  
8           Canada, or other countries.

9           (13) “Suspension” means any revocation, denial, or withdrawal of any  
10           or all license privileges or rights, including the privilege or right to apply for,  
11           purchase, or exercise the benefits conferred by any license.

12           (14) “Terms of the citation” means those conditions and options  
13           expressly stated upon the citation.

14           (15) “Wildlife” means all species of animals, including but not  
15           necessarily limited to mammals, birds, fish, reptiles, amphibians, mollusks,  
16           and crustaceans, which are defined as “wildlife” and are protected or otherwise  
17           regulated by statute, rule, or other relevant law in a party state. “Wildlife” also  
18           means food fish and shellfish as defined by statute, rule, or other relevant law  
19           in a party state. Species included in the definition of “wildlife” vary from state  
20           to state and determination of whether a species is “wildlife” for the purposes of  
21           this compact shall be based on local law.











1       (c) The board of compact administrators shall elect annually, from its  
2       membership, a chairperson and vice chairperson.

3       (d) The board of compact administrators shall adopt bylaws, not  
4       inconsistent with the provisions of this compact or the laws of a party state, for  
5       the conduct of its business and shall have the power to amend and rescind its  
6       bylaws.

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

12       (f) The board of compact administrators may contract with or accept  
13       services or personnel from any governmental or intergovernmental agency,  
14       individual, firm, corporation, or any private nonprofit organization or  
15       institution.

16       (g) The board of compact administrators shall formulate all necessary  
17       procedures and develop uniform forms and documents for administering the  
18       provisions of this compact. All procedures and forms adopted pursuant to  
19       board of contact administrators' action shall be contained in the rules adopted  
20       by the department of fish and wildlife.





1 thereof to any government, agency, individual, or circumstance is held invalid,  
2 the compact shall not be affected thereby. If this compact shall be held  
3 contrary to the constitution of any party state thereto, the compact shall remain  
4 in full force and effect as to the remaining states and in full force and effect as  
5 to the state affected as to all severable matters.

6 ARTICLE XI

7 Compact Title

8 This compact shall be known as the wildlife violator compact.

9 § 4452. COMPACT ADMINISTRATOR

10 The compact administrator for this state shall be the commissioner of fish  
11 and wildlife or a designated representative of the commissioner. The duties of  
12 the compact administrator shall be deemed a regular part of the duties of the  
13 office of the commissioner of fish and wildlife.

14 § 4453. RULEMAKING

15 The department of fish and wildlife may adopt rules to carry out the  
16 purposes of this chapter.

17 § 4454. PENALTIES

18 No person whose license, privilege, or right to hunt, fish, trap, possess, or  
19 transport wildlife, having been suspended or revoked pursuant to this chapter,  
20 shall be issued a license to hunt, fish, or trap in this state. A person who hunts,  
21 fishes, traps, possesses, or transports wildlife in this state or who purchases or

1 possesses a license to hunt, fish, trap, possess, or transport wildlife in this state  
2 in violation of a suspension or revocation pursuant to this chapter shall be  
3 subject to the penalties for a big game violation as set forth under section 4453  
4 of this title.

5 Sec. 2. 10 V.S.A. § 4502(b) is amended to read:

6 (b) A person violating provisions of this part shall receive points for  
7 convictions in accordance with the following schedule (all sections are in Title  
8 10 of Vermont Statutes Annotated):

9 \* \* \*

10 (3) Twenty points shall be assessed for:

11 (U) Appendix § 37, excluding violations of annual deer limits,  
12 requirements for youth deer hunting weekend, and limitations on feeding of  
13 deer.

14 (V) § 4454. Interstate Wildlife Violator Compact.

15 \* \* \*

16 Sec. 3. EFFECTIVE DATE

17 This act shall take effect on July 1, 2011.