

Regular Session, 2008

ACT No. 363

HOUSE BILL NO. 699

BY REPRESENTATIVE ST. GERMAIN AND SENATOR DUPRE

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AN ACT

To enact Subpart B-2 of Part II of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:69.21 through 69.31, relative to the Wildlife Violator Compact; to provide for findings; to provide for definitions; to provide issuing citations to a resident of a participating state; to provide for home state procedures; to provide for a compact administrator; to provide for entering, amending, and withdrawal of compact; to provide for severability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart B-2 of Part II of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:69.21 through 69.31, is hereby enacted to read as follows:

SUBPART B-2. WILDLIFE VIOLATOR COMPACT

§69.21. Wildlife Violator Compact

A. This Subpart shall be known and may be cited as the "Wildlife Violator Compact". Louisiana, a participating state, finds that:

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

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

1 (3) The preservation, protection, management, and restoration of wildlife
 2 contribute immeasurably to the aesthetic, recreational, and economic aspects of the
 3 natural resources of a state.

4 (4) Wildlife resources are valuable without regard to political boundaries;
 5 therefore, a person should be required to comply with wildlife preservation,
 6 protection, management, and restoration laws, ordinances, and administrative rules
 7 of a participating state as a condition precedent to the continuance or issuance of a
 8 license to hunt, fish, trap, or possess wildlife.

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

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

13 (7) Usually, one of the following enforcement practices is used on a person
 14 who is cited for a wildlife violation in a state other than his home state:

15 (a) Is required to post collateral or bond to secure appearance for a trial at
 16 a later date.

17 (b) Is taken directly into custody until collateral or bond is posted.

18 (c) Is taken directly to court for an immediate appearance.

19 (8) The purpose of the enforcement practices set forth in Paragraph (7) of
 20 this Subsection is to ensure compliance with the terms of a wildlife citation by the
 21 cited person who, if permitted to continue on his way after receiving the citation,
 22 could return to his home state and disregard his duty under the terms of the citation.

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

27 (10) The enforcement practices described in Paragraph (7) of this Subsection
 28 cause unnecessary inconvenience and, at times, hardship for a person who is unable
 29 to post collateral, furnish a bond, stand trial, or pay a fine at that time and is therefore
 30 compelled to remain in custody until some alternative arrangement is made.

1 (11) The enforcement practices described in Paragraph (7) of this Subsection
2 consume an undue amount of enforcement time.

3 B. It is the policy of the participating states to:

4 (1) Promote compliance with the statutes, laws, ordinances, and
5 administrative rules relating to the management of wildlife resources in the
6 respective states.

7 (2) Recognize the suspension of wildlife license privileges of a person whose
8 license privileges have been suspended by another participating state and treat the
9 suspension as if it had occurred in the home state.

10 (3) Allow a person, except as provided in R.S. 56:69.23, to accept a citation
11 and, without delay, proceed on his way, whether or not the person is a resident of the
12 state in which the citation was issued, provided that the person's home state is a
13 participating state in the Wildlife Violator Compact.

14 (4) Report to the appropriate participating state, as provided in the compact
15 manual, a conviction recorded against a person whose home state was not the issuing
16 state.

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

20 (6) Cooperate to the fullest extent with other participating states in enforcing
21 compliance with the terms of citations issued by one participating state to residents
22 of another participating state.

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

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

25 §69.22. Definitions

26 A. For the purposes of this Subpart, the following terms shall have the
27 following meanings:

28 (1) "Citation" means a summons, complaint, summons and complaint, ticket,
29 penalty assessment, or other official document issued to a person by a wildlife

1 officer or other peace officer for a wildlife violation, which contains an order
2 requiring the person to respond.

3 (2) "Collateral" means cash or other security deposited to secure an
4 appearance for trial in connection with the issuance by a wildlife officer or other
5 peace officer of a citation.

6 (3) "Compliance" with respect to a citation means the act of answering a
7 citation through an appearance in a court or tribunal or through the payment of fines,
8 costs, and surcharges.

9 (4) "Conviction" means a conviction, including a court conviction, for an
10 offense related to the preservation, protection, management, or restoration of wildlife
11 that is prohibited by statute, law, ordinance, or administrative rule. "Conviction"
12 also includes the forfeiture of bail, bond, or other security deposited to secure
13 appearance by a person charged with having committed the offense, the payment of
14 a penalty assessment, a plea of nolo contendere, and the imposition of a deferred or
15 suspended sentence by the court.

16 (5) "Court" means a court of law, including a magistrate court.

17 (6) "Home state" means the state of primary residence of a person.

18 (7) "Issuing state" means the participating state that issues a citation to the
19 violator.

20 (8) "License" means a license, permit, or other public document that conveys
21 to a person to whom it was issued the privilege of pursuing, possessing, or taking
22 wildlife regulated by statute, law, ordinance, or administrative rule of a participating
23 state.

24 (9) "Licensing authority" means the department or division within each
25 participating state that is authorized by law to issue or approve licenses or permits
26 to hunt, fish, trap, or possess wildlife.

27 (10) "Participating state" means a state that enacts legislation to become a
28 member of the Wildlife Violator Compact.

1 (11) "Personal recognizance" means an agreement by a person made at the
 2 time of issuance of a citation that the person will comply with the terms of the
 3 citation.

4 (12) "State" means a state, territory, or possession of the United States, the
 5 District of Columbia, the Commonwealth of Puerto Rico, the provinces of Canada,
 6 and other countries.

7 (13) "Suspension" means a revocation, denial, or withdrawal of license
 8 privileges, including the privilege to apply for, purchase, or exercise the benefits
 9 conferred by a license.

10 (14) "Wildlife" means species of animals, including mammals, birds, fish,
 11 reptiles, amphibians, mollusks, and crustaceans which are protected or otherwise
 12 regulated by statute, law, ordinance, or administrative rule in a participating state.
 13 Species included in the definition of "wildlife" vary from state to state, and
 14 determination of whether a species is "wildlife" for the purposes of the Wildlife
 15 Violator Compact shall be based on local law.

16 (15) "Wildlife law" means a statute, law, ordinance, or administrative rule
 17 developed and enacted for the management and use of wildlife resources.

18 (16) "Wildlife officer" means an individual authorized by a participating
 19 state to issue a citation.

20 (17) "Wildlife violation" means a cited violation of a statute, law, ordinance,
 21 or administrative rule developed and enacted for the management and use of wildlife
 22 resources.

23 §69.23. Procedures for issuing citations in relation to the Wildlife Violators
 24 Compact

25 A. When issuing a citation for a wildlife violation, a wildlife officer shall
 26 issue a citation to a person whose home state is another participating state in the
 27 same manner as if the person were a resident of the issuing state and shall not require
 28 the person to post collateral to secure appearance, subject to the exceptions set forth
 29 in Subsection B of this Section, provided that the wildlife officer receives the
 30 personal recognizance of the person that he will comply with the terms of the

1 citation. Nothing herein shall prohibit physical arrests if the wildlife officer deems
2 necessary.

3 B. Personal recognizance is acceptable, if both are present:

4 (1) If not prohibited by local law or the compact manual.

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

7 C. Upon conviction or failure of a person to comply with the terms of a
8 citation, the appropriate official shall report the conviction or failure to comply with
9 the licensing authority of the issuing state. The report shall be made in accordance
10 with procedures specified by the issuing state and shall contain information as
11 specified in the compact manual as minimum requirements for effective processing
12 by the home state.

13 D. Upon receipt of the report of a conviction or noncompliance pursuant to
14 Subsection C of this Section, the licensing authority of the issuing state shall transmit
15 to the licensing authority of the home state of the violator the information in the form
16 and with the content as prescribed in the compact manual.

17 §69.24. Procedure for the home state

18 A. Upon receipt of a report from the licensing authority of an issuing state
19 reporting the failure of a person to comply with the terms of a citation, the licensing
20 authority of the home state shall:

21 (1) Notify the person.

22 (2) Initiate a suspension action in accordance with the home state's
23 suspension procedures.

24 (3) Suspend the person's license privileges until satisfactory evidence of
25 compliance with the terms of the citation has been furnished by the issuing state to
26 the home state licensing authority.

27 B. Due process safeguards shall be accorded to alleged violators.

28 C. Upon receipt of a report of conviction from the licensing authority of the
29 issuing state, the licensing authority of the home state shall enter the conviction as

1 though it occurred in the home state for the purposes of the suspension of license
2 privileges.

3 D. The licensing authority of the home state shall:

4 (1) Maintain a record of actions taken.

5 (2) Make reports to issuing states as provided in the compact manual.

6 §69.25. Reciprocal recognition of suspension

7 A. A participating state shall recognize the suspension of license privileges
8 of a person by another participating state as though the violation resulting in the
9 suspension satisfies each of the following:

10 (1) Had occurred in the home state.

11 (2) Could have been the basis of the suspension of license privileges in the
12 home state.

13 B. A participating state shall communicate suspension information to other
14 participating states in the form and with the content as contained in the compact
15 manual.

16 §69.26. Applicability of other laws

17 Except as expressly required by provisions of the Wildlife Violator Compact,
18 nothing herein shall be construed to affect the right of a participating state to apply
19 its laws relating to license privileges to a person or circumstance or to invalidate or
20 prevent an agreement or other cooperative arrangement between a participating state
21 and a nonparticipating state concerning wildlife law enforcement. No provision of
22 this Subpart shall be construed as to affect the ability to arrest, seizure of equipment,
23 evidence as provided by law, or any other provision of this Title.

24 §69.27. Compact administrator procedures

25 A. A board of compact administrators is established to:

26 (1) Administer the provisions of this compact.

27 (2) Serve as a governing body for the resolution of all matters relating to the
28 operation of the Wildlife Violator Compact.

1 B. The board shall be composed of one representative, to be known as the
2 "compact administrator" from each of the participating states.

3 C. A compact administrator shall be an enforcement agent appointed by the
4 secretary of the Department of Wildlife and Fisheries.

5 D. A compact administrator may provide for the discharge of his duties and
6 the performance of his functions by an alternate.

7 E. An alternate shall not be entitled to serve unless written notification of his
8 identity has been given to the board of compact administrators.

9 F. Each member of the board of compact administrators shall be entitled to
10 one vote.

11 G. An action of the board of compact administrators shall not be binding
12 unless taken at a meeting at which a majority of the total number of the board's votes
13 is cast in favor thereof.

14 H. Action by the board of compact administrators shall be taken only at a
15 meeting at which a majority of the participating states are represented.

16 I. The board of compact administrators shall elect annually from its
17 membership a chairman and vice chairman.

18 J. The board of compact administrators shall adopt bylaws not inconsistent
19 with the provisions of the Wildlife Violator Compact or the laws of a participating
20 state for the conduct of its business and shall have the power to amend and rescind
21 its bylaws.

22 K. The board of compact administrators may accept for its purposes and
23 functions under the Wildlife Violator Compact donations and grants of money,
24 equipment, supplies, materials, and services, conditional or otherwise, from any
25 state, the United States, or a governmental agency, and may receive, use, and dispose
26 of the donations and grants.

27 L. The board of compact administrators may contract with or accept services
28 or personnel from a governmental or intergovernmental agency, individual, firm,
29 corporation, or a private nonprofit organization or institution.

1 M. The board of compact administrators shall formulate all necessary
2 procedures and develop uniform forms and documents for administering the
3 provisions of the Wildlife Violator Compact. All procedures and forms adopted
4 pursuant to board action shall be contained in a compact manual.

5 §69.28. Entry into and withdrawal from the Wildlife Violator Compact

6 A. The Wildlife Violator Compact shall become effective at the time it is
7 adopted in substantially similar form by two or more states.

8 B. Entry into the Wildlife Violator Compact shall be made by resolution of
9 ratification by the authorized officials of the applying state and submitted to the
10 chairman of the board of compact administrators.

11 C. The resolution shall substantially be in the form and content as provided
12 in the compact manual and shall include all of the following:

13 (1) A citation of the authority from which the state is empowered to become
14 a party to the Wildlife Violator Compact.

15 (2) An agreement of compliance with the terms and provisions of this
16 compact.

17 (3) An agreement that compact entry is with all states participating in the
18 Wildlife Violator Compact and with all additional states that legally become a party
19 to the Wildlife Violator Compact.

20 D. The effective date of entry shall be specified by the applying state but
21 shall not be less than sixty days after notice has been given to each participating state
22 that the resolution from the applying state has been received by either of the
23 following:

24 (1) The chairman of the board of compact administrators.

25 (2) The secretary of the board of compact administrators.

26 E. A participating state may withdraw from participation in the Wildlife
27 Violator Compact by official written notice to each participating state, but
28 withdrawal shall not become effective until ninety days after the notice of
29 withdrawal is given. No withdrawal of any state shall affect the validity of the
30 Wildlife Violator Compact as to the remaining participating states.

1 §69.29. Amendments to the Wildlife Violator Compact

2 A. The Wildlife Violator Compact may be amended from time to time.
 3 Amendments shall be presented in resolution form to the chairman of the board of
 4 compact administrators and shall be initiated by one or more participating states.

5 B. Adoption of an amendment shall require endorsement by all participating
 6 states and shall become effective thirty days after the date of the last endorsement.

7 C. Failure of a participating state to respond to the chairman of the board of
 8 compact administrators within one hundred twenty days after receipt of a proposed
 9 amendment shall constitute endorsement thereof.

10 §69.30. Licensing authority; rules and regulations

11 A. The Department of Wildlife and Fisheries is designated as the licensing
 12 authority in Louisiana for the purposes of the Wildlife Violator Compact.

13 B. The secretary of the department through its compact administrator shall
 14 furnish to the appropriate authorities of the participating states any information or
 15 documents reasonably necessary to facilitate the administration of the Wildlife
 16 Violator Compact.

17 C. The Louisiana Wildlife and Fisheries Commission may adopt rules and
 18 regulations to implement and administer the provisions of the Wildlife Violator
 19 Compact.

20 §69.31. Construction and severability

21 A. The Wildlife Violator Compact shall be liberally construed so as to
 22 effectuate the purposes stated herein.

23 B. The provisions of the Wildlife Violator Compact shall be severable, and
 24 if a phrase, clause, sentence, or provision of that compact is declared to be contrary
 25 to the constitution of a participating state or of the United States, or the applicability
 26 thereof to a government, agency, individual, or circumstance is held invalid, the
 27 validity of the remainder of the compact shall not be affected thereby.

28 C. If the Wildlife Violator Compact is held contrary to the constitution of a
 29 participating state, the compact shall remain in full force and effect as to the

1 remaining states and in full force and effect as to the participating state affected
2 regarding all severable matters.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____