

SENATE BILL NO. 269

## INTRODUCED BY

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE INTERSTATE WILDLIFE VIOLATOR COMPACT;  
6 AND PROVIDING AUTHORITY TO IMPLEMENT THE COMPACT TO THE DEPARTMENT OF FISH, WILDLIFE,  
7 AND PARKS."

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10

**11            NEW SECTION. Section 1. Compact adopted -- text.** The Interstate Wildlife Violator Compact is  
12            entered into by this state, with all other states legally joining therein, in the form substantially as follows:

## INTERSTATE WILDLIFE VIOLATOR COMPACT

## ARTICLE I

### Findings, Declaration of Policy, and Purpose

(1) The participating states find that the following provisions apply:

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

19 (b) The protection of the wildlife resources of a state is materially affected by the degree of  
20 compliance with state statutes, laws, ordinances, regulations, and administrative rules relating to the  
21 management of such resources.

22 (c) The preservation, protection, management, and restoration of wildlife contributes immeasurably  
23 to the aesthetic, recreational, and economic aspects of such natural resources.

24 (d) Wildlife resources are valuable without regard to political boundaries; therefore, every person  
25 should be required to comply with wildlife preservation, protection, management and restoration laws,  
26 ordinances, regulations, and administrative rules of the participating states as a condition precedent to the  
27 continuance or issuance of any license to hunt, fish, trap, or possess wildlife.

28 (e) Violation of wildlife laws interferes with the management of wildlife resources and may endanger  
29 the safety of persons and property.

30 (f) The mobility of many wildlife law violators necessitates the maintenance of channels of

1 communication among the various states.

2 (g) In most instances, a person who is cited for a wildlife violation in a state other than that  
3 person's own state:

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

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

6 (iii) is taken directly to court for an immediate appearance.

7 (h) The purpose of the enforcement practices set forth in subsection (1)(g) of this article is to ensure  
8 compliance with the terms of a wildlife citation by the cited person who, if permitted to proceed after  
9 receiving the citation, could return to the person's home state and disregard the person's duty under the  
10 terms of the citation.

11 (i) In most instances, a person receiving a wildlife citation in that person's home state is permitted  
12 to accept the citation from the officer at the scene of the violation and immediately proceed after agreeing  
13 or being instructed to comply with the terms of the citation.

14 (j) The practices described in subsection (1)(g) of this article cause unnecessary inconvenience and,  
15 at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial,  
16 or pay a fine and is thus compelled to remain in custody until some alternative arrangement is made.

17 (k) The enforcement practices described in subsection (1)(g) of this article consume an undue  
18 amount of law enforcement time.

19 (2) It is the policy of the participating states to:

20 (a) promote compliance with the statutes, laws, ordinances, regulations, and administrative rules  
21 relating to management of wildlife resources in their respective states;

22 (b) recognize the suspension of wildlife license privileges of any person whose license privileges  
23 have been suspended by a participating state and treat such suspension as if it had occurred in their state;

24 (c) allow a violator, except as provided in subsection (2) of Article III, to accept a wildlife citation  
25 and proceed without delay, whether or not a resident of the state in which the citation was issued,  
26 provided that the violator's home state is party to this compact;

27 (d) report to the appropriate participating state, as provided in the compact manual, any conviction  
28 recorded against any person whose home state was not the issuing state;

29 (e) allow the home state to recognize and treat convictions recorded against its residents, which  
30 convictions occurred in a participating state, as though they occurred in the home state;

(f) extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state;

(g) maximize effective use of law enforcement personnel and information;

(h) assist court systems in the efficient disposition of wildlife violations.

(3) The purpose of this compact is to:

(a) provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in subsection (2) of this article in a uniform and orderly manner;

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

## ARTICLE II

## Definitions

As used in this compact and [sections 2 through 5], unless the context requires otherwise, the following definitions apply:

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

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

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

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

(5) "Court" means a court of law, including magistrate's court and the justice of the peace court.

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

(7) "Issuing state" means the participating state which issues a wildlife citation to the violator.

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

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

(10) "Participating state" means any state which enacts legislation to become a member of this wildlife compact.

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

(12) "State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, and other countries.

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

(14) "Terms of the citation" means those conditions and options expressly stated in the citation.

(15) "Wildlife" means all species of animals including but not limited to mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state, and determination of whether a species is "wildlife" for purposes of this compact shall be based on state or local law.

(16) "Wildlife law" means any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

(17) "Wildlife officer" means any individual authorized by a participating state to issue a citation for a wildlife violation.

(18) "Wildlife violation" means any cited violation of a statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

### ARTICLE III

## Procedures for Issuing State

(1) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance,



- 1 subject to the exceptions noted in subsection (2) of this article, if the officer receives the recognizance of
- 2 such person that the person will comply with the terms of the citation.

3 (2) Personal recognizance is acceptable:

4 (a) if not prohibited by state or local law or the compact manual; and

5 (b) if the violator provides adequate proof of identification to the wildlife officer.

11 (4) Upon receipt of the report of conviction or noncompliance pursuant to subsection (3) of this  
12 article, the licensing authority of the issuing state shall transmit to the licensing authority of the home state  
13 of the violator the information in form and content as prescribed in the compact manual.

## ARTICLE IV

### Procedure for Home State

16 (1) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of  
17 a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the  
18 violator and shall initiate a suspension action in accordance with the home state's suspension procedures  
19 and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms  
20 of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due  
21 process safeguards will be accorded.

22 (2) Upon receipt of a report of conviction from the licensing authority of the issuing state, the  
23 licensing authority of the home state shall enter such conviction in its records and shall treat such  
24 conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

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

## ARTICLE V

## Reciprocal Recognition of Suspension

29 (1) All participating states shall recognize the suspension of license privileges of any person by any  
30 participating state as though the violation resulting in the suspension had occurred in their state and could

1 have been the basis for suspension of license privileges in their state.

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

#### 4 ARTICLE VI

##### 5 Applicability of Other Laws

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

#### 10 ARTICLE VII

##### 11 Compact Administrator -- Procedures

12 (1) For the purposes of administering the provisions of this compact and to serve as a governing  
13 body for the resolution of all matters relating to the operation of this compact, a board of compact  
14 administrators is established. The board shall be composed of one representative from each of the  
15 participating states, to be known as the compact administrator. The compact administrator shall be  
16 appointed by the head of the licensing authority of each participating state and shall serve and be subject  
17 to removal in accordance with the laws of the state the compact administrator represents. A compact  
18 administrator may provide for the discharge of duties and the performance of functions as a board member  
19 by an alternate. An alternate shall not be entitled to serve unless written notification of the identity of the  
20 alternate has been given to the board.

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

25 (3) The board shall elect annually from its membership a presiding officer and a vice presiding  
26 officer.

27 (4) The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws  
28 of a participating state for the conduct of its business and shall have the power to amend and rescind its  
29 bylaws.

30 (5) The board may accept for any of its purposes and functions under this compact any and all

1 donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from  
2 any state, the United States, or any governmental agency, and receive, utilize, and dispose of same.

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

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

## ARTICLE VIII

### Entry Into Compact and Withdrawal

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

13 (2)(a) Entry into the compact shall be made by resolution of ratification executed by the authorized  
14 officials of the applying state and submitted to the presiding officer of the board.

15 (b) The resolution shall substantially be in the form and content as provided in the compact manual  
16 and shall include the following:

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

18 (ii) an agreement of compliance with the terms and provisions of this compact; and

19 (iii) an agreement that compact entry is with all states participating in the compact and with all

20 additional states legally becoming a party to the compact.

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

23 (i) by the presiding officer of the board of the compact administrators; or  
24 (ii) by the secretariat of the board to each participating state that the resolution from the applying  
25 state has been received.

26 (3) A participating state may withdraw from participation in this compact by official written notice  
27 to each participating state, but withdrawal shall not become effective until 90 days after the notice of  
28 withdrawal is given. The notice shall be directed to the compact administrator of each member state. No  
29 withdrawal of any state shall affect the validity of this compact as to the remaining participating states.

## ARTICLE IX



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## Amendments to the Compact

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(1) This compact may be amended from time to time. Amendments shall be presented in resolution form to the presiding officer of the board of the compact administrators and shall be initiated by one or more participating states.

5

(2) Adoption of an amendment shall require endorsement by all participating states and shall become effective 30 days after the date of the last endorsement.

7

(3) Failure of a participating state to respond to the compact presiding officer within 120 days after receipt of a proposed amendment shall constitute endorsement thereof.

9

## ARTICLE X

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## Construction and Severability

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

18

**NEW SECTION. Section 2. Department authorization to effect purposes of compact.** (1) The department shall enforce the Interstate Wildlife Violator Compact and shall do all things within the department's jurisdiction that are appropriate in order to effectuate the purposes and the intent of the compact.

23

(2) The department is authorized on behalf of the state of Montana to enter into or withdraw from the Interstate Wildlife Violator Compact pursuant to the terms of Article VIII of the compact.

25

(3) The department is authorized to adopt amendments to the Interstate Wildlife Violator Compact pursuant to the terms of Article IX of the compact.

27

**NEW SECTION. Section 3. Reciprocal recognition of license suspensions -- suspension of privileges for conviction in participating state.** (1) When the department receives notice of the suspension of a person's hunting, trapping, or fishing privileges by a participating state, the department shall determine

1      whether the violation leading to the suspension could have led to the forfeiture of privileges under Montana  
2      law. If the department determines that the person's privileges could have been forfeited, the department  
3      shall suspend the person's privileges to hunt, trap, or fish in Montana for the same period as imposed by  
4      the participating state or for the minimum period that would have been imposed under Montana law,  
5      whichever period is longer.

6                    (2) When the department receives notice of a conviction of a Montana resident from the licensing  
7      authority of the issuing state, the department shall treat the conviction as if it had occurred in Montana and  
8      shall determine whether the conviction could have led to the forfeiture of the resident's hunting, trapping,  
9      or fishing privileges under Montana law. If the department determines that the resident's privileges could  
10     have been forfeited, the department shall suspend the resident's privileges to hunt, trap, or fish in Montana  
11     for the minimum period that would have been imposed under Montana law.

12                   (3) Notice of the suspension must be sent to the person, who shall surrender any current Montana  
13     hunting, trapping, and fishing licenses to the department within 10 days.

14                   (4) A person whose privileges have been suspended and who hunts, traps, or fishes in Montana,  
15     who applies for or purchases any licenses or permits to hunt, trap, or fish in Montana, or who refuses to  
16     surrender any current hunting, trapping, and fishing licenses as required, is guilty of a misdemeanor and  
17     is subject to the penalties prescribed in 87-1-102(3).

18

19                   **NEW SECTION. Section 4. Suspension of privileges for failure to comply with citation issued in**  
20      **participating state.** (1) The department shall suspend the hunting, trapping, or fishing privileges of any  
21      resident of Montana upon notification from the licensing authority of an issuing state that the resident has  
22      failed to comply with the terms of a citation issued for a wildlife violation. The suspension remains in effect  
23      until the department receives satisfactory evidence of compliance from the issuing state.

24                   (2) Notice of the suspension must be sent to the resident, who shall surrender all current Montana  
25     hunting, trapping, and fishing licenses to the department within 10 days.

26                   (3) A person who hunts, traps, or fishes, who applies for or purchases licenses or permits, or who  
27      refuses to surrender any current hunting, trapping, or fishing license in violation of this section is guilty of  
28      a misdemeanor and is subject to the penalties prescribed in 87-1-102(3).

29

30                   **NEW SECTION. Section 5. Hearing on suspension.** (1) Upon suspending the hunting, trapping,

1 or fishing privileges of any person under [section 3 or 4], the department shall immediately notify the person  
2 in writing. The person may, within 20 days of the notice, request a hearing before the department on  
3 whether the requirements for suspension have been met. The hearing must be informal.

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

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

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

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

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

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

13 (b) Grounds other than those listed in subsection (3)(a) may not be used to contest the  
14 department's decision to suspend the person's privileges.

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

16 (a) administer oaths;

17 (b) issue subpoenas for the attendance of witnesses; and

18 (c) admit all relevant evidence and documents, including notifications from participating states.

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

21

22 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 5] are intended to be  
23 codified as an integral part of Title 87, chapter 1, and the provisions of Title 87, chapter 1, apply to  
24 [sections 1 through 5].

25

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0269, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act adopting the Interstate Wildlife Violator Compact; and providing authority to implement the compact to the Department of Fish, Wildlife and Parks.

ASSUMPTIONS:

1. The purpose of the compact is to provide a means for participating states to join in a reciprocal program to effectuate the compliance with statutes, laws, ordinances, regulations, and administrative rules relating to management of wildlife resources in respective states.
2. This bill would enable member states to recognize and treat convictions recorded against its residents, when convictions occurred in a participating state, as though they occurred in the home state. This includes the suspension of hunting, trapping, or fishing privileges of any resident of Montana upon notification from an issuing state that a resident failed to comply with the terms of a citation issued for a wildlife violation.
3. Annual meetings to facilitate administration and coordination of the compact will be held.
4. Participation in the compact will necessitate the re-assignment of staff time in order to process notifications received from other states and to notify compact states of violations.
5. There will be minimal expenditures (\$8,600 in FY96 and \$5,600 in FY97) associated with the participation which can be absorbed within the Executive Budget present law base recommendation.

FISCAL IMPACT:

There will be a minimal impact to the Department of Fish, Wildlife and Parks, which will be absorbed within the Executive Budget recommendation for the 1997 biennium.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

This legislation by providing the authority to implement the Interstate Wildlife Violator Compact, should act as a deterrent to wildlife law violations.

*Dave Lewis* 2-3-95

DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

*Bruce Crippen* 2-4-95

BRUCE CRIPPEN, PRIMARY SPONSOR      DATE

Fiscal Note for SB0269, as introduced

**SB 269**

SENATE BILL NO. 269

INTRODUCED BY

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE INTERSTATE WILDLIFE VIOLATOR COMPACT; AND PROVIDING AUTHORITY TO IMPLEMENT THE COMPACT TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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(1) The participating states find that the following provisions apply:

(a) Wildlife resources are managed in trust by the respective states for the benefit of all residents

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

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

(d) Wildlife resources are valuable without regard to political boundaries; therefore, every person be required to comply with wildlife preservation, protection, management and restoration laws, rules, regulations, and administrative rules of the participating states as a condition precedent to the issuance or issuance of any license to hunt, fish, trap, or possess wildlife.

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

(f) The mobility of many wildlife law violators necessitates the maintenance of channels of



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SECOND READING

1 communication among the various states.

2 (g) In most instances, a person who is cited for a wildlife violation in a state other than that  
3 person's own state:

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

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

6 (iii) is taken directly to court for an immediate appearance.

7 (h) The purpose of the enforcement practices set forth in subsection (1)(g) of this article is to ensure  
8 compliance with the terms of a wildlife citation by the cited person who, if permitted to proceed after  
9 receiving the citation, could return to the person's home state and disregard the person's duty under the  
10 terms of the citation.

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13 or being instructed to comply with the terms of the citation.

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16 or pay a fine and is thus compelled to remain in custody until some alternative arrangement is made.

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18 amount of law enforcement time.

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21 relating to management of wildlife resources in their respective states;

22 (b) recognize the suspension of wildlife license privileges of any person whose license privileges  
23 have been suspended by a participating state and treat such suspension as if it had occurred in their state;

24 (c) allow a violator, except as provided in subsection (2) of Article III, to accept a wildlife citation  
25 and proceed without delay, whether or not a resident of the state in which the citation was issued,  
26 provided that the violator's home state is party to this compact;

27 (d) report to the appropriate participating state, as provided in the compact manual, any conviction  
28 recorded against any person whose home state was not the issuing state;

29 (e) allow the home state to recognize and treat convictions recorded against its residents, which  
30 convictions occurred in a participating state, as though they occurred in the home state;

(f) extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state;

(g) maximize effective use of law enforcement personnel and information;

(h) assist court systems in the efficient disposition of wildlife violations.

(3) The purpose of this compact is to:

(a) provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in subsection (2) of this article in a uniform and orderly manner;

(b) provide for the fair and impartial treatment of wildlife violators operating within participating  
n recognition of the violator's right to due process and the sovereign status of a participating state.

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## Definitions

As used in this compact and [sections 2 through 5], unless the context requires otherwise, the following definitions apply:

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(5) "Court" means a court of law, including magistrate's court and the justice of the peace court.

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

(7) "Issuing state" means the participating state which issues a wildlife citation to the violator.

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

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

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

(12) "State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, and other countries.

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(14) "Terms of the citation" means those conditions and options expressly stated in the citation.

(15) "Wildlife" means all species of animals including but not limited to mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state, and determination of whether a species is "wildlife" for purposes of this compact shall be based on state or local law.

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### ARTICLE III

### Procedures for Issuing State

(1) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance,



1 subject to the exceptions noted in subsection (2) of this article, if the officer receives the recognizance of  
2 such person that the person will comply with the terms of the citation.

3 (2) Personal recognizance is acceptable:

4 (a) if not prohibited by state or local law or the compact manual; and

5 (b) if the violator provides adequate proof of identification to the wildlife officer.

6 (3) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the  
7 appropriate official shall report the conviction or failure to comply to the licensing authority of the  
8 participating state in which the wildlife citation was issued. The report shall be made in accordance with  
9 procedures specified by the issuing state and shall contain information as specified in the compact manual  
10 as minimum requirements for effective processing by the home state.

11 (4) Upon receipt of the report of conviction or noncompliance pursuant to subsection (3) of this  
12 article, the licensing authority of the issuing state shall transmit to the licensing authority of the home state  
13 of the violator the information in form and content as prescribed in the compact manual.

#### 14 ARTICLE IV

##### 15 Procedure for Home State

16 (1) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of  
17 a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the  
18 violator and shall initiate a suspension action in accordance with the home state's suspension procedures  
19 and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms  
20 of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due  
21 process safeguards will be accorded.

22 (2) Upon receipt of a report of conviction from the licensing authority of the issuing state, the  
23 licensing authority of the home state shall enter such conviction in its records and shall treat such  
24 conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

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

#### 27 ARTICLE V

##### 28 Reciprocal Recognition of Suspension

29 (1) All participating states shall recognize the suspension of license privileges of any person by any  
30 participating state as though the violation resulting in the suspension had occurred in their state and could

1 have been the basis for suspension of license privileges in their state.

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

#### 4 ARTICLE VI

##### 5 Applicability of Other Laws

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

#### 10 ARTICLE VII

##### 11 Compact Administrator -- Procedures

12 (1) For the purposes of administering the provisions of this compact and to serve as a governing  
13 body for the resolution of all matters relating to the operation of this compact, a board of compact  
14 administrators is established. The board shall be composed of one representative from each of the  
15 participating states, to be known as the compact administrator. The compact administrator shall be  
16 appointed by the head of the licensing authority of each participating state and shall serve and be subject  
17 to removal in accordance with the laws of the state the compact administrator represents. A compact  
18 administrator may provide for the discharge of duties and the performance of functions as a board member  
19 by an alternate. An alternate shall not be entitled to serve unless written notification of the identity of the  
20 alternate has been given to the board.

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

25 (3) The board shall elect annually from its membership a presiding officer and a vice presiding  
26 officer.

27 (4) The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws  
28 of a participating state for the conduct of its business and shall have the power to amend and rescind its  
29 bylaws.

30 (5) The board may accept for any of its purposes and functions under this compact any and all

1 donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from  
2 any state, the United States, or any governmental agency, and receive, utilize, and dispose of same.

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

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

## ARTICLE VIII

## Entry Into Compact and Withdrawal

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

13 (2)(a) Entry into the compact shall be made by resolution of ratification executed by the authorized  
14 officials of the applying state and submitted to the presiding officer of the board.

15 (b) The resolution shall substantially be in the form and content as provided in the compact manual  
16 and shall include the following:

- 17 (i) a citation of the authority from which the state is empowered to become a party to this compact;
- 18 (ii) an agreement of compliance with the terms and provisions of this compact; and
- 19 (iii) an agreement that compact entry is with all states participating in the compact and with all
- 20 additional states legally becoming a party to the compact.

21 (c) The effective date of entry shall be specified by the applying state but shall not be less than 60  
22 days after notice has been given:

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24 (ii) by the secretariat of the board to each participating state that the resolution from the applying  
25 state has been received.

26 (3) A participating state may withdraw from participation in this compact by official written notice  
27 to each participating state, but withdrawal shall not become effective until 90 days after the notice of  
28 withdrawal is given. The notice shall be directed to the compact administrator of each member state. No  
29 withdrawal of any state shall affect the validity of this compact as to the remaining participating states.

## ARTICLE IX



### Amendments to the Compact

(1) This compact may be amended from time to time. Amendments shall be presented in resolution form to the presiding officer of the board of the compact administrators and shall be initiated by one or more participating states.

5 (2) Adoption of an amendment shall require endorsement by all participating states and shall  
6 become effective 30 days after the date of the last endorsement.

7 (3) Failure of a participating state to respond to the compact presiding officer within 120 days after  
8 receipt of a proposed amendment shall constitute endorsement thereof.

## ARTICLE X

#### **Construction and Severability**

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

19        **NEW SECTION.** **Section 2. Department authorization to effect purposes of compact.** (1) The  
20        department shall enforce the Interstate Wildlife Violator Compact and shall do all things within the  
21        department's jurisdiction that are appropriate in order to effectuate the purposes and the intent of the  
22        compact.

23 (2) The department is authorized on behalf of the state of Montana to enter into or withdraw from  
24 the Interstate Wildlife Violator Compact pursuant to the terms of Article VIII of the compact.

25 (3) The department is authorized to adopt amendments to the Interstate Wildlife Violator Compact  
26 pursuant to the terms of Article IX of the compact.

28 **NEW SECTION. Section 3. Reciprocal recognition of license suspensions -- suspension of privileges**  
29 **for conviction in participating state.** (1) When the department receives notice of the suspension of a  
30 person's hunting, trapping, or fishing privileges by a participating state, the department shall determine



1      whether the violation leading to the suspension could have led to the forfeiture of privileges under Montana  
2      law. If the department determines that the person's privileges could have been forfeited, the department  
3      shall suspend the person's privileges to hunt, trap, or fish in Montana for the same period as imposed by  
4      the participating state or for the minimum period that would have been imposed under Montana law,  
5      whichever period is longer.

6                (2) When the department receives notice of a conviction of a Montana resident from the licensing  
7      authority of the issuing state, the department shall treat the conviction as if it had occurred in Montana and  
8      shall determine whether the conviction could have led to the forfeiture of the resident's hunting, trapping,  
9      or fishing privileges under Montana law. If the department determines that the resident's privileges could  
10     have been forfeited, the department shall suspend the resident's privileges to hunt, trap, or fish in Montana  
11     for the minimum period that would have been imposed under Montana law.

12               (3) Notice of the suspension must be sent to the person, who shall surrender any current Montana  
13     hunting, trapping, and fishing licenses to the department within 10 days.

14               (4) A person whose privileges have been suspended and who hunts, traps, or fishes in Montana,  
15     who applies for or purchases any licenses or permits to hunt, trap, or fish in Montana, or who refuses to  
16     surrender any current hunting, trapping, and fishing licenses as required, is guilty of a misdemeanor and  
17     is subject to the penalties prescribed in 87-1-102(3).

18

19               **NEW SECTION. Section 4. Suspension of privileges for failure to comply with citation issued in**  
20      **participating state.** (1) The department shall suspend the hunting, trapping, or fishing privileges of any  
21      resident of Montana upon notification from the licensing authority of an issuing state that the resident has  
22      failed to comply with the terms of a citation issued for a wildlife violation. The suspension remains in effect  
23      until the department receives satisfactory evidence of compliance from the issuing state.

24               (2) Notice of the suspension must be sent to the resident, who shall surrender all current Montana  
25     hunting, trapping, and fishing licenses to the department within 10 days.

26               (3) A person who hunts, traps, or fishes, who applies for or purchases licenses or permits, or who  
27      refuses to surrender any current hunting, trapping, or fishing license in violation of this section is guilty of  
28      a misdemeanor and is subject to the penalties prescribed in 87-1-102(3).

29

30               **NEW SECTION. Section 5. Hearing on suspension.** (1) Upon suspending the hunting, trapping,

1 or fishing privileges of any person under [section 3 or 4], the department shall immediately notify the person  
2 in writing. The person may, within 20 days of the notice, request a hearing before the department on  
3 whether the requirements for suspension have been met. The hearing must be informal.

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

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

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

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

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

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

13 (b) Grounds other than those listed in subsection (3)(a) may not be used to contest the  
14 department's decision to suspend the person's privileges.

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

16 (a) administer oaths;

17 (b) issue subpoenas for the attendance of witnesses; and

18 (c) admit all relevant evidence and documents, including notifications from participating states.

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

21

22 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 5] are intended to be  
23 codified as an integral part of Title 87, chapter 1, and the provisions of Title 87, chapter 1, apply to  
24 [sections 1 through 5].

25

-END-

SENATE BILL NO. 269

## 2 INTRODUCED BY

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE INTERSTATE WILDLIFE VIOLATOR COMPACT;  
6 AND PROVIDING AUTHORITY TO IMPLEMENT THE COMPACT TO THE DEPARTMENT OF FISH, WILDLIFE,  
7 AND PARKS."  
8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING COPY (YELLOW) FOR COMPLETE TEXT.

## 1 SENATE BILL NO. 269

2 INTRODUCED BY CRIPPEN

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE INTERSTATE WILDLIFE VIOLATOR COMPACT;  
6 AND PROVIDING AUTHORITY TO IMPLEMENT THE COMPACT TO THE DEPARTMENT OF FISH, WILDLIFE,  
7 AND PARKS."

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10

11 NEW SECTION. **Section 1.** **Compact adopted -- text.** The Interstate Wildlife Violator Compact is  
12 entered into by this state, with all other states legally joining therein, in the form substantially as follows:

## 13 INTERSTATE WILDLIFE VIOLATOR COMPACT

14

## ARTICLE I

15

## Findings, Declaration of Policy, and Purpose

16

(1) The participating states find that the following provisions apply:

17 (a) Wildlife resources are managed in trust by the respective states for the benefit of all residents  
18 and visitors.19 (b) The protection of the wildlife resources of a state is materially affected by the degree of  
20 compliance with state statutes, laws, ordinances, regulations, and administrative rules relating to the  
21 management of such resources.22 (c) The preservation, protection, management, and restoration of wildlife contributes immeasurably  
23 to the aesthetic, recreational, and economic aspects of such natural resources.24 (d) Wildlife resources are valuable without regard to political boundaries; therefore, every person  
25 should be required to comply with wildlife preservation, protection, management and restoration laws,  
26 ordinances, regulations, and administrative rules of the participating states as a condition precedent to the  
27 continuance or issuance of any license to hunt, fish, trap, or possess wildlife.28 (e) Violation of wildlife laws interferes with the management of wildlife resources and may endanger  
29 the safety of persons and property.

30 (f) The mobility of many wildlife law violators necessitates the maintenance of channels of

1 communication among the various states.

2 (g) In most instances, a person who is cited for a wildlife violation in a state other than that  
3 person's own state:

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

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

6 (iii) is taken directly to court for an immediate appearance.

7 (h) The purpose of the enforcement practices set forth in subsection (1)(g) of this article is to ensure  
8 compliance with the terms of a wildlife citation by the cited person who, if permitted to proceed after  
9 receiving the citation, could return to the person's home state and disregard the person's duty under the  
10 terms of the citation.

11 (i) In most instances, a person receiving a wildlife citation in that person's home state is permitted  
12 to accept the citation from the officer at the scene of the violation and immediately proceed after agreeing  
13 or being instructed to comply with the terms of the citation.

14 (j) The practices described in subsection (1)(g) of this article cause unnecessary inconvenience and,  
15 at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial,  
16 or pay a fine and is thus compelled to remain in custody until some alternative arrangement is made.

17 (k) The enforcement practices described in subsection (1)(g) of this article consume an undue  
18 amount of law enforcement time.

19 (2) It is the policy of the participating states to:

20 (a) promote compliance with the statutes, laws, ordinances, regulations, and administrative rules  
21 relating to management of wildlife resources in their respective states;

22 (b) recognize the suspension of wildlife license privileges of any person whose license privileges  
23 have been suspended by a participating state and treat such suspension as if it had occurred in their state;

24 (c) allow a violator, except as provided in subsection (2) of Article III, to accept a wildlife citation  
25 and proceed without delay, whether or not a resident of the state in which the citation was issued,  
26 provided that the violator's home state is party to this compact;

27 (d) report to the appropriate participating state, as provided in the compact manual, any conviction  
28 recorded against any person whose home state was not the issuing state;

29 (e) allow the home state to recognize and treat convictions recorded against its residents, which  
30 convictions occurred in a participating state, as though they occurred in the home state;

- (f) extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state;
- (g) maximize effective use of law enforcement personnel and information;

(3) The purpose of this compact is to:

(a) provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in subsection (2) of this article in a uniform and orderly manner;

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

## ARTICLE II

## Definitions

As used in this compact and [sections 2 through 5], unless the context requires otherwise, the following definitions apply:

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

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

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

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

(5) "Court" means a court of law, including magistrate's court and the justice of the peace court.

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

(7) "Issuing state" means the participating state which issues a wildlife citation to the violator.



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

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

(10) "Participating state" means any state which enacts legislation to become a member of this wildlife compact.

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

(12) "State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, and other countries.

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

(14) "Terms of the citation" means those conditions and options expressly stated in the citation.

(15) "Wildlife" means all species of animals including but not limited to mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state, and determination of whether a species is "wildlife" for purposes of this compact shall be based on state or local law.

(16) "Wildlife law" means any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

(17) "Wildlife officer" means any individual authorized by a participating state to issue a citation for a wildlife violation.

(18) "Wildlife violation" means any cited violation of a statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

### ARTICLE III

## Procedures for Issuing State

(1) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance,



1 subject to the exceptions noted in subsection (2) of this article, if the officer receives the recognition of  
2 such person that the person will comply with the terms of the citation.

3 (2) Personal recognizance is acceptable:

4 (a) if not prohibited by state or local law or the compact manual; and

5 (b) if the violator provides adequate proof of identification to the wildlife officer.

11 (4) Upon receipt of the report of conviction or noncompliance pursuant to subsection (3) of this  
12 article, the licensing authority of the issuing state shall transmit to the licensing authority of the home state  
13 of the violator the information in form and content as prescribed in the compact manual.

## ARTICLE IV

### Procedure for Home State

22 (2) Upon receipt of a report of conviction from the licensing authority of the issuing state, the  
23 licensing authority of the home state shall enter such conviction in its records and shall treat such  
24 conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

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3      shall suspend the person's privileges to hunt, trap, or fish in Montana for the same period as imposed by  
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12            (3) Notice of the suspension must be sent to the person, who shall surrender any current Montana  
13     hunting, trapping, and fishing licenses to the department within 10 days.

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17     is subject to the penalties prescribed in 87-1-102(3).

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22      failed to comply with the terms of a citation issued for a wildlife violation. The suspension remains in effect  
23      until the department receives satisfactory evidence of compliance from the issuing state.

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27      refuses to surrender any current hunting, trapping, or fishing license in violation of this section is guilty of  
28      a misdemeanor and is subject to the penalties prescribed in 87-1-102(3).

29

30            **NEW SECTION. Section 5. Hearing on suspension.** (1) Upon suspending the hunting, trapping,

1 or fishing privileges of any person under [section 3 or 4], the department shall immediately notify the person  
2 in writing. The person may, within 20 days of the notice, request a hearing before the department on  
3 whether the requirements for suspension have been met. The hearing must be informal.

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

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

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

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

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

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

13 (b) Grounds other than those listed in subsection (3)(a) may not be used to contest the  
14 department's decision to suspend the person's privileges.

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

16 (a) administer oaths;

17 (b) issue subpoenas for the attendance of witnesses; and

18 (c) admit all relevant evidence and documents, including notifications from participating states.

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

21

22 **NEW SECTION.** **Section 6. Codification instruction.** [Sections 1 through 5] are intended to be  
23 codified as an integral part of Title 87, chapter 1, and the provisions of Title 87, chapter 1, apply to  
24 [sections 1 through 5].

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