

ASSEMBLY BILL NO. 338—ASSEMBLYMEN CLABORN, KOIVISTO, ANDERSON, ATKINSON, BEERS, CHRISTENSEN, DENIS, GERHARDT, GOICOECHEA, HORNE, KIHUEN, MANENDO, MCCLAIN, MORTENSON, OCEGUERA, PARKS, PIERCE AND SEGERBLOM

MARCH 15, 2007

JOINT SPONSORS: SENATORS CARE AND SCHNEIDER

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Makes various changes relating to wildlife.
(BDR 45-916)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to wildlife; prohibiting the Board of Wildlife Commissioners from adopting regulations establishing a schedule of demerit points for wildlife convictions; prohibiting the Commission from adopting certain regulations relating to the issuance or revocation of a hunting, fishing or trapping license, permit or privilege; establishing a schedule of demerit points for wildlife convictions; prohibiting certain wildlife activities; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 The Board of Wildlife Commissioners is required to establish and the
- 2 Department of Wildlife is required to administer a system of assessing demerit
- 3 points for wildlife convictions. The Commission is required to establish a schedule
- 4 of demerit points by regulation. (NRS 501.1814)
- 5 **Section 2** of this bill establishes a schedule of demerit points for wildlife
- 6 convictions that was previously established by regulation of the Commission.
- 7 **Section 3** of this bill requires the Department to revoke a hunting, fishing or
- 8 trapping license of any person who accumulates 12 or more demerit points within a



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9 certain 60-month period. **Section 3** also prohibits the Department from issuing a
10 new license to such a person for certain periods based upon the length of time in
11 which the demerit points were accumulated. **Sections 4, 8, 11 and 12** of this bill
12 prohibit certain wildlife activities for which demerit points must be assessed. **Section**
13 **7** of this bill prohibits the Commission from adopting regulations that
14 establish a schedule of demerit points for wildlife convictions. **Section 7** also
15 prohibits the Commission from adopting certain regulations relating to the issuance
16 or revocation of a hunting, fishing or trapping license, permit or privilege. **Section**
17 **10** of this bill prohibits a person from using, for the purpose of hunting, an aircraft,
18 hot air balloon, satellite or certain other devices to locate or observe any big game
19 mammal in certain areas during the period beginning 48 hours before a big game
20 hunting season opens until the close of the season in that area.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 501 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2. 1. Except as otherwise provided in this section, a**
4 **person who is convicted of a wildlife violation must be assessed**
5 **demerit points pursuant to the following schedule:**

6
7 **HUNTING AND TAKING**

8 9 <i>Classification of Violations</i>	<i>Demerits</i>
10 11 <i>Unlawfully shooting at a game mammal or game</i> 12 <i>bird from an aircraft, helicopter or motor-</i> 13 <i>driven vehicle.....</i>	<i>12</i>
14 <i>Using an aircraft, helicopter or motor-driven</i> 15 <i>vehicle to molest, rally, stir up or drive game</i> 16 <i>mammals or game birds.....</i>	<i>12</i>
17 <i>Spotting or locating game mammals or game birds</i> 18 <i>with an aircraft or helicopter and</i> 19 <i>communicating that information, within 24</i> 20 <i>hours after the aircraft or helicopter has</i> 21 <i>landed, to a person on the ground for the</i> 22 <i>purpose of hunting.....</i>	<i>12</i>
23 <i>Unlawfully using a helicopter to transport game,</i> 24 <i>hunters or hunting equipment.....</i>	<i>12</i>
25 <i>Unlawfully killing or attempting to kill birds or</i> 26 <i>animals while flying in an aircraft.....</i>	<i>12</i>
27 <i>Unlawfully using an aircraft, balloon or satellite</i> 28 <i>to locate or observe big game mammals for the</i> 29 <i>purpose of hunting.....</i>	<i>12</i>



1	<i>Hunting or taking an endangered species without</i>	
2	<i>a special permit.....</i>	<i>12</i>
3	<i>Killing, destroying, wounding, trapping,</i>	
4	<i>possessing or injuring bald eagles or golden</i>	
5	<i>eagles</i>	<i>12</i>
6	<i>Unlawfully hunting bald eagles or golden eagles.....</i>	<i>12</i>
7	<i>Hunting or taking a threatened species.....</i>	<i>9</i>
8	<i>Hunting big game mammals during a closed</i>	
9	<i>season</i>	<i>6</i>
10	<i>Hunting or trapping fur-bearing mammals during</i>	
11	<i>a closed season</i>	<i>6</i>
12	<i>Hunting big game mammals in closed areas</i>	<i>6</i>
13	<i>Hunting fur-bearing mammals in closed areas</i>	<i>6</i>
14	<i>Unlawfully hunting in a privately owned wildlife</i>	
15	<i>management area.....</i>	<i>6</i>
16	<i>Unlawfully hunting in a state-owned wildlife</i>	
17	<i>management area.....</i>	<i>6</i>
18	<i>Hunting big game mammals during prohibited</i>	
19	<i>hours.....</i>	<i>6</i>
20	<i>Unlawfully hunting game birds or game mammals</i>	
21	<i>with an artificial light</i>	<i>6</i>
22	<i>Hunting or taking a sensitive species</i>	<i>6</i>
23	<i>Hunting, trapping, possessing or selling birds of</i>	
24	<i>prey or raptors without a permit.....</i>	<i>6</i>
25	<i>Hunting alternative livestock reared on or derived</i>	
26	<i>from a farm or other operation that raises</i>	
27	<i>alternative livestock.....</i>	<i>6</i>

UNLAWFUL POSSESSION

<i>Classification of Violations</i>	<i>Demerits</i>
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<i>Unlawfully possessing live wildlife that is</i>	
<i>classified as prohibited.....</i>	<i>12</i>
<i>Possessing twice the legal limit or more of big</i>	
<i>game mammals or fur-bearing mammals.....</i>	<i>12</i>
<i>Possessing big game mammals or fur-bearing</i>	
<i>mammals during a closed season</i>	<i>9</i>
<i>Possessing big game mammals or fur-bearing</i>	
<i>mammals in excess of the legal limit but less</i>	
<i>than twice the legal limit.....</i>	<i>9</i>
<i>Possessing twice the legal limit or more of game</i>	
<i>birds or game mammals, other than big game</i>	
<i>mammals.....</i>	<i>9</i>



1	<i>Possessing twice the legal limit or more of game</i>	
2	<i>fish</i>	<i>9</i>
3	<i>Possessing game birds or game mammals, other</i>	
4	<i>than big game mammals, during a closed</i>	
5	<i>season</i>	<i>6</i>
6	<i>Possessing fish during a closed season</i>	<i>6</i>
7	<i>Possessing game birds or game mammals, other</i>	
8	<i>than big game mammals, in excess of the legal</i>	
9	<i>limit but less than twice the legal limit.....</i>	<i>6</i>
10	<i>Possessing game fish in excess of the legal limit</i>	
11	<i>but less than twice the legal limit.....</i>	<i>6</i>
12	<i>Possessing a species that may not legally be</i>	
13	<i>possessed without a license or permit.....</i>	<i>6</i>
14	<i>Possessing game mammals of a prohibited age or</i>	
15	<i>with prohibited physical characteristics.....</i>	<i>6</i>
16		

TAGS AND SEALS

17		
18		
19	<i>Classification of Violations</i>	<i>Demerits</i>
20		
21	<i>Hunting big game mammals or wild turkey</i>	
22	<i>without a tag</i>	<i>9</i>
23	<i>Unlawfully transferring a tag to another person</i>	<i>9</i>
24	<i>Possessing or using a tag legally issued to another</i>	
25	<i>person</i>	<i>9</i>
26	<i>Obtaining tags in excess of the legal limit.....</i>	<i>9</i>
27	<i>Possessing used tags or tags in excess of the legal</i>	
28	<i>limit.....</i>	<i>9</i>
29	<i>Unlawfully using a tag</i>	<i>9</i>
30	<i>Using a tag in the wrong management area</i>	<i>6</i>
31	<i>Failing to punch a tag properly.....</i>	<i>6</i>
32	<i>Hunting by a Native American outside a Native</i>	
33	<i>American reservation without a tag</i>	<i>6</i>
34	<i>Possessing fur-bearing mammals, other than a</i>	
35	<i>bobcat, without a seal.....</i>	<i>6</i>
36	<i>Possessing the pelt of a bobcat without a seal.....</i>	<i>6</i>
37	<i>Possessing the hide of a mountain lion without a</i>	
38	<i>seal</i>	<i>6</i>
39	<i>Possessing the horns of a bighorn sheep without a</i>	
40	<i>seal or brand.....</i>	<i>6</i>



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PERMITS

<i>Classification of Violations</i>	<i>Demerits</i>
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<i>Importing or transporting a prohibited species of wildlife without a permit or license</i>	<i>12</i>
<i>Collecting unprotected wildlife for commercial purposes without a permit.....</i>	<i>12</i>
<i>Collecting live bait fish or live aquatic bait for commercial purposes without a permit</i>	<i>12</i>
<i>Collecting unprotected fish for commercial purposes without a permit.....</i>	<i>12</i>
<i>Selling live bait fish without a permit.....</i>	<i>6</i>
<i>Conducting a field trial without a permit.....</i>	<i>6</i>
<i>Conducting a dredging operation without a permit.....</i>	<i>6</i>
<i>Possessing a raptor without a permit.....</i>	<i>6</i>
<i>Furnishing false information to obtain a permit</i>	<i>6</i>
<i>Hunting swan without a swan hunt permit.....</i>	<i>6</i>
<i>Transferring or giving a swan hunt permit to another person.....</i>	<i>6</i>
<i>Using or possessing a swan hunt permit issued to another person.....</i>	<i>6</i>

FISHING

<i>Classification of Violations</i>	<i>Demerits</i>
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<i>Fishing at a fish hatchery or other waters used for the purpose of rearing or growing fish</i>	<i>6</i>
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MISCELLANEOUS FISH AND GAME

<i>Classification of Violations</i>	<i>Demerits</i>
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<i>Obstructing, hindering or otherwise interfering with an officer, employee or agent of the Department.....</i>	<i>12</i>
<i>Unlawfully selling big game mammals</i>	<i>12</i>
<i>Unlawfully selling an endangered species</i>	<i>12</i>
<i>Needless waste of big game mammals.....</i>	<i>12</i>
<i>Needless waste of game birds or game mammals, other than big game mammals</i>	<i>9</i>
<i>Unlawfully selling a threatened species</i>	<i>9</i>
<i>Unlawfully selling game other than big game mammals.....</i>	<i>6</i>



1	<i>Unlawfully selling a sensitive or protected species</i>	<i>6</i>
2	<i>Unlawfully selling game fish</i>	<i>6</i>
3	<i>Needless waste of game fish.....</i>	<i>6</i>
4	<i>Unlawfully carrying a loaded rifle or shotgun in a</i>	
5	<i>vehicle.....</i>	<i>6</i>
6	<i>Unlawfully discharging a firearm</i>	<i>6</i>
7	<i>Failing to retain the cape or scalp and any antlers</i>	
8	<i>or horns of wildlife.....</i>	<i>6</i>
9	<i>Destroying or mutilating signs erected by the</i>	
10	<i>Department.....</i>	<i>6</i>
11	<i>Polluting water</i>	<i>6</i>
12	<i>Removing, altering or tampering with a tag placed</i>	
13	<i>on wildlife or on seized equipment</i>	<i>6</i>
14	<i>Taking crayfish for commercial purposes.....</i>	<i>6</i>
15	<i>Intentionally interfering with a person lawfully</i>	
16	<i>hunting or trapping.....</i>	<i>6</i>
17	<i>Hunting or trapping on private property without</i>	
18	<i>permission.....</i>	<i>6</i>

CATEGORY E FELONIES AND GROSS MISDEMEANORS

<i>Classification of Violations</i>	<i>Demerits</i>
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<i>Killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear with an otherwise valid tag but when the season is not open</i>	<i>12</i>
<i>Killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear without a valid tag.....</i>	<i>12</i>
<i>Killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear outside of the area specified on a tag</i>	<i>12</i>
<i>Killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear with a tag obtained by fraud.....</i>	<i>12</i>
<i>Killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear with another person's tag</i>	<i>12</i>
<i>Killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear outside of the hours set for lawful hunting.....</i>	<i>12</i>



1	<i>Acting as a master guide or subguide without a</i>	
2	<i>license</i>	<i>12</i>
3	<i>Furnishing false information to obtain a big game</i>	
4	<i>tag</i>	<i>12</i>

TRAPPING

<i>Classification of Violations</i>	<i>Demerits</i>
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<i>Trapping or killing fur-bearing mammals during a</i>	
<i>closed season</i>	<i>6</i>
<i>Trapping any species of owl, hawk or other birds</i>	
<i>of prey or raptors without a permit or by</i>	
<i>unlawful means</i>	<i>6</i>

LICENSES

<i>Classification of Violations</i>	<i>Demerits</i>
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<i>Refusing to exhibit a license or any wildlife,</i>	
<i>weapon, ammunition, device or apparatus upon</i>	
<i>the demand of an authorized person</i>	<i>12</i>
<i>Hunting without having obtained a license</i>	<i>6</i>
<i>Fishing without having obtained a license</i>	<i>6</i>
<i>Hunting without a license in possession</i>	<i>6</i>
<i>Fishing without a license in possession</i>	<i>6</i>
<i>Furnishing false information to obtain a license</i>	<i>6</i>
<i>Furnishing of false information by a person</i>	
<i>serving in the Armed Forces of the United</i>	
<i>States to obtain a license</i>	<i>6</i>
<i>Transferring a license to another person</i>	<i>6</i>
<i>Using a license of another person</i>	<i>6</i>
<i>Obtaining more than one license of each class</i>	<i>6</i>
<i>Altering a license</i>	<i>6</i>
<i>Practicing falconry without a license</i>	<i>6</i>
<i>Operating as a fur dealer without a license</i>	<i>6</i>
<i>Trapping without having obtained a license</i>	<i>6</i>
<i>Taking fur-bearing mammals, trapping</i>	
<i>unprotected mammals or selling raw furs for</i>	
<i>profit without having obtained a license</i>	<i>6</i>
<i>Trapping without a license in possession</i>	<i>6</i>
<i>Operating a shooting preserve without a license</i>	<i>6</i>
<i>Performing taxidermal services without a license</i>	<i>6</i>
<i>Obtaining a hunting license without obtaining</i>	
<i>certification as a responsible hunter</i>	<i>6</i>



2. A person who is convicted of committing:

(a) A violation of any provision of this title concerning wildlife that does not appear in the schedule set forth in subsection 1 must be assessed 3 demerit points.

(b) A violation of any provision of this title concerning wildlife within 60 months after a conviction for the same violation must be assessed double the amount of demerit points listed in the schedule set forth in subsection 1.

(c) Any four violations of the provisions of this title concerning wildlife within a 60-month period must be assessed an additional 12 demerit points.

Sec. 3. The Department shall revoke any hunting, fishing or trapping license, permit or privilege issued to a person pursuant to this title if that person accumulates 12 or more demerit points within the 60-month period preceding his most recent wildlife conviction and shall refuse to issue a new license, permit or privilege to that person for:

1. Three years, if the demerits are accumulated within a 42-month period; or

2. Two years, if the demerits are accumulated within a 60-month period.

Sec. 4. It is unlawful to:

1. Possess a species that may not legally be possessed without a license or permit.

2. Possess game mammals of a prohibited age or with prohibited physical characteristics.

3. Sell a big game mammal or an endangered, threatened, sensitive or protected species unless authorized by the provisions of this title or a regulation of the Commission.

Sec. 5. NRS 501.1812 is hereby amended to read as follows:

501.1812 As used in NRS 501.1812 to 501.1818, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires:

1. "License" means a license or tag issued by the Department for:

(a) Recreational hunting or fishing; or

(b) Taking fur-bearing mammals, trapping unprotected mammals or selling raw furs for profit.

2. "Permit" means a permit issued by the Department for recreational hunting or fishing.

3. "Wildlife conviction" means a conviction obtained in any court of competent jurisdiction in this State, including, without limitation, a conviction obtained upon a plea of nolo contendere or upon a forfeiture of bail not vacated in any such court, for a violation of:



(a) A provision of this title or any regulation adopted pursuant to this title other than a provision of NRS 502.370, 502.390, 503.185, 503.310 or 504.295 to 504.390, inclusive; or

(b) A provision of the Lacey Act Amendment of 1981, Public Law 97-79, if the violation of that provision is based on a violation of a law or regulation of this State.

Sec. 6. NRS 501.1814 is hereby amended to read as follows:

501.1814 1. The Commission shall establish and the Department shall administer and enforce a system of assessing demerit points for wildlife convictions. The system must be uniform in its operation.

2. Pursuant to the schedule of demerit points ~~established by regulation of the Commission~~ *set forth in section 2 of this act* for each wildlife conviction occurring within this State affecting any holder of a license, permit or privilege issued pursuant to this title, the Department shall assess demerit points for the 60-month period preceding a person's most recent wildlife conviction. Sixty months after the date of the conviction, the demerit points for that conviction must be deleted from the total demerit points accumulated by that person. The date of the violation shall be deemed the date on which accumulated demerit points must be assessed. If a conviction of two or more wildlife violations committed at a single event is obtained, demerit points must be assessed for the offense having the greater number of demerit points.

Sec. 7. NRS 501.1818 is hereby amended to read as follows:

501.1818 ~~{The}~~

1. Except as otherwise provided in subsection 2, the Commission may adopt such regulations as are necessary to carry out the provisions of NRS 501.1812 to 501.1818, inclusive.

2. The Commission shall not adopt a regulation that:

(a) Establishes demerit points for a wildlife conviction;

(b) Revokes a hunting, fishing or trapping license, permit or privilege on the basis of the number of demerit points accumulated for wildlife convictions; or

(c) Prohibits the issuance of a new license, permit or privilege for a certain period on the basis of the number of demerit points accumulated for wildlife convictions.

Sec. 8. Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:

It is unlawful to:

1. Possess the pelt of a bobcat without a seal.

2. Use a tag in a management area for which the tag is not authorized.



3. Fail to punch a tag in the manner prescribed by the Commission.

4. Hunt swan without a swan hunt permit.

5. Possess or use a swan hunt permit issued to another person.

6. Transfer or give a swan hunt permit to another person.

7. Possess the hide of a mountain lion without a seal permanently attached to it.

8. Possess the horns of a bighorn sheep without a seal attached thereto or a number branded thereon.

9. Possess a fur-bearing mammal, other than a bobcat, without a seal.

10. Hunt big game mammals or wild turkey without a tag.

Sec. 9. Chapter 503 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 and 11 of this act.

Sec. 10. 1. Except as otherwise provided in this section, a person shall not, for the purpose of hunting, locate or observe, or assist a person in locating or observing, any big game mammal in a management area described in a regulation of the Commission during the period beginning 48 hours before a big game hunting season opens until the close of the season in that management area with the use of:

(a) An aircraft, including, without limitation, any device that is used for navigation of, or flight in, the air;

(b) A hot air balloon or any other device that is lighter than air; or

(c) A satellite or any other device that orbits the earth and is equipped to produce images.

2. For the purposes of subsection 1, the season for hunting a mountain lion which is open in a management area shall be deemed not to be a big game hunting season during the period beginning after the big game hunting season for all other species of big game has closed in that management area until the period beginning 48 hours before the opening of a mammals hunting season established for hunting any other species of big game mammals in that management area.

3. Evidence of an act constituting a violation of subsection 1 includes, without limitation:

(a) Flying slowly at low altitudes;

(b) Hovering;

(c) Circling; or

(d) Repeatedly flying,

↪ over a forest, marsh, field, woodland or rangeland where a big game mammal is likely to be found.



4. The provisions of this section do not apply to a person who:

(a) Is acting within the scope of his official duties and who is:

(1) An employee or authorized agent of this State;

(2) An employee of a municipal or county government of this State; or

(3) An employee of the Federal Government;

(b) Holds a scientific permit issued by the Department for the collection of wildlife and who is acting in compliance with the terms and conditions of the permit; or

(c) Holds a permit issued by the Department which authorizes the control of bobcats, coyotes or ravens from an aircraft and who is acting in compliance with the terms and conditions of the permit.

5. The provisions of this section do not authorize any act that is prohibited by NRS 503.010.

Sec. 11. It is unlawful to:

1. Collect unprotected wildlife for commercial purposes without a permit.

2. Hunt or take any wildlife which is classified as protected, or possess any part thereof, without a license, permit or written authorization from the Department.

3. Possess twice the legal limit or more of game birds or game mammals, other than big game mammals.

4. Possess game birds or game mammals, other than big game mammals, in excess of the legal limit but less than twice the legal limit.

5. Possess big game mammals or fur-bearing mammals in excess of the legal limit but less than twice the legal limit.

6. Possess twice the legal limit or more of big game mammals or fur-bearing mammals.

7. Take unprotected fish, other than live bait fish, from the waters of this State for commercial purposes without a permit.

8. Collect, sell, possess or transport live bait fish or live aquatic bait for commercial purposes without a permit.

9. Take crayfish from any of the waters of this State for commercial purposes.

10. Possess game fish in excess of the legal limit but less than twice the legal limit.

11. Possess twice the legal limit or more of game fish.

Sec. 12. Chapter 504 of NRS is hereby amended by adding thereto a new section to read as follows:

It is unlawful to:

1. Hunt big game mammals in an area in which hunting is prohibited.



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1 **2. Hunt fur-bearing mammals in an area in which hunting is**
2 ***prohibited.***

3 **3. Hunt in any state-owned wildlife management area in**
4 ***which hunting is prohibited.***

5 **Sec. 13.** NAC 501.200, 501.210 and 503.148 are void. The
6 Legislative Counsel shall, as soon as practicable after the effective
7 date of this act, remove those regulations from the Nevada
8 Administrative Code and any other provisions of the Nevada
9 Administrative Code which are redundant or duplicative because of
10 the amendatory provisions of this act.

11 **Sec. 14.** This act becomes effective upon passage and
12 approval.

