

ASSEMBLY BILL NO. 77—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE DEPARTMENT OF WILDLIFE)

PREFILED DECEMBER 15, 2008

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing the unlawful killing or
possession of wildlife. (BDR 45-344)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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; making it unlawful to possess any
wildlife that is taken, possessed or sold in violation of a
law or regulation of another state or territory or of the
United States, an Indian tribe or a foreign country;
increasing the civil penalties for unlawfully killing or
possessing certain big game mammals or for allowing a
game bird, game mammal or game fish to go to waste in
the field; amending certain other civil penalties relating to
wildlife; authorizing the revocation of permits and
privileges for the violation of certain provisions;
providing penalties; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill makes it unlawful for a person to import, export, transport,
sell, receive, acquire, purchase or possess any wildlife that is taken, possessed or
sold in violation of a law or regulation of the United States, an Indian tribe, another
state or territory or a foreign country. If a person commits such a violation, he is
guilty of a misdemeanor punishable by a fine of not less than \$50 or more than
\$500, or by imprisonment in the county jail for not more than 6 months, or by both
fine and imprisonment. (NRS 501.385)



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Existing law provides civil penalties, in addition to any criminal penalties, for a violation of certain provisions of title 45 of NRS. (NRS 501.3855) **Section 2** of this bill expands those civil penalties to apply to persons who allow game birds, game mammals or game fish to go to waste in the field in violation of NRS 503.050 and increases the civil penalties for unlawfully killing or possessing certain big game mammals.

Existing law authorizes a court, upon a conviction of a violation of any provision of title 45 of NRS, or any regulation adopted pursuant to that title, to require the immediate surrender of all licenses issued under that title which are held by the defendant. (NRS 501.387) **Section 3** of this bill authorizes the court to also require the immediate surrender of all similarly issued permits held by the defendant.

Existing law authorizes the Board of Wildlife Commissioners to revoke the license of a person if he is convicted of allowing game birds, game mammals or game fish to go to waste in the field in violation of NRS 503.050 or of unlawfully killing certain wildlife, and to revoke that person's privilege to apply for any big game tag for a period not to exceed 10 years. (NRS 501.388) **Section 4** of this bill expands that authorization to allow the Commission to revoke permits and any privileges granted under title 45 of NRS, as well as a license held by the defendant, and repeals the 10-year limit on the revocation of the privilege to apply for a new tag.

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is unlawful for any person to import, export, transport, sell, receive, acquire, purchase or possess any wildlife that is taken, possessed or sold in violation of any law or regulation of:

(a) The United States;

(b) Another state or territory;

(c) An Indian tribe; or

(d) A foreign country.

2. Each violation of this section is a separate offense, and each such offense shall be deemed to have been committed in the location where the violation first occurred and in any location in this State in which the defendant was in possession of the wildlife.

Sec. 2. NRS 501.3855 is hereby amended to read as follows:

501.3855 1. In addition to the penalties provided for the violation of any of the provisions of this title, every person who :

(a) Except as otherwise provided in paragraph (b), unlawfully kills or possesses a big game mammal, bobcat, swan or eagle , or who allows a big game mammal to go to waste in the field in violation of NRS 503.050, is liable for a civil penalty of not less than \$250 ~~four~~ or more than \$5,000 ~~four~~ ; or

(b) Unlawfully kills or possesses any of the following big game mammals is liable for a civil penalty of:



1 (1) For an antlered mule deer with an outside antler spread
2 of 24 inches or more, not less than \$5,000 or more than \$10,000;

3 (2) For any black bear, not less than \$5,000 or more than
4 \$10,000;

5 (3) For any mountain goat, not less than \$5,000 or more
6 than \$10,000;

7 (4) For a pronghorn antelope with horns that exceed 15
8 inches in length, not less than \$5,000 or more than \$10,000;

9 (5) For an antlered Rocky Mountain elk that has at least
10 six points on one side of its antlers, not less than \$10,000 or more
11 than \$20,000; and

12 (6) For a male Bighorn sheep with a curl exceeding a half
13 curl, not less than \$10,000 or more than \$30,000.

14 2. For the unlawful killing or possession of fish or wildlife not
15 included in subsection 1, *or, except as otherwise provided in*
16 *paragraph (a) of subsection 1, for allowing a game bird, game*
17 *mammal or game fish to go to waste in the field in violation of*
18 *NRS 503.050, the ~~{court may order the}~~ defendant ~~{to pay}~~ is liable*
19 *for* a civil penalty of not less than \$25 ~~{nor}~~ or more than \$1,000.

20 3. For hunting, fishing or trapping without a valid license, tag
21 or permit, the ~~{court may order the}~~ defendant ~~{to pay}~~ *is liable for* a
22 civil penalty ~~{of not less than \$50 nor more than \$250.}~~ *in an*
23 *amount that is commensurate with the value of the required*
24 *license, tag or permit.*

25 4. Every court ~~{}~~ before whom a defendant is convicted of
26 unlawfully killing or possessing any wildlife ~~{}~~ shall order the
27 defendant to pay the civil penalty in the amount stated in this section
28 for each mammal, bird or fish unlawfully killed or possessed. The
29 court shall fix the manner and time of payment.

30 5. The Department may attempt to collect all penalties and
31 installments that are in default in any manner provided by law for
32 the enforcement of a judgment.

33 6. If a person who is ordered to pay a civil penalty pursuant to
34 this section fails to do so within 90 days after the date set forth in
35 the order, the Department may suspend, revoke, or refuse to issue
36 or renew any license, tag, permit, certificate or other document or
37 privilege otherwise available to the person pursuant to this title or
38 chapter 488 of NRS.

39 7. Each court that receives money pursuant to the provisions of
40 this section shall forthwith remit the money to the Department ,
41 which shall deposit the money with the State Treasurer for credit to
42 the Wildlife Account in the State General Fund.

43 **Sec. 3.** NRS 501.387 is hereby amended to read as follows:

44 501.387 1. Except as otherwise provided by *a* specific
45 statute, upon a conviction of a violation of any provision of this title,



1 or any regulation adopted pursuant to this title, in addition to
2 the penalty provided for the violation, the court may require the
3 immediate surrender of all licenses *and permits* issued under the
4 provisions of this title and held by the convicted person. Upon
5 receipt of a surrendered license ~~H~~ *or permit*, the court shall forward
6 it to the Commission.

7 2. In addition to the penalty provided for the violation of any of
8 the provisions of this title, the court may cause to be confiscated all
9 wildlife taken or possessed by the convicted person. All confiscated
10 wildlife must be disposed of as directed by the court.

11 3. A convicted person shall not, during the time his license *or*
12 *permit* is revoked or suspended:

13 (a) Engage in any activity for which the license *or permit* was
14 issued; or

15 (b) Purchase or otherwise obtain a license *or permit* which has
16 been suspended or revoked.

17 4. Any person who is convicted of violating the provisions of
18 subsection 3 shall be punished by a fine of not more than \$1,000 or
19 by imprisonment in a county jail for a period not to exceed 6
20 months, or by both a fine and imprisonment. In addition, the
21 revocation or suspension of the license *or permit* of the convicted
22 person may be extended by an amount of time equal to the original
23 period of revocation or suspension.

24 **Sec. 4.** NRS 501.388 is hereby amended to read as follows:

25 501.388 1. The Commission may, in addition to any
26 suspension, revocation or other penalty imposed pursuant to any
27 other provision of this title:

28 (a) Revoke any license , *permit or privilege issued pursuant to*
29 *this title* of any person who is convicted of a violation of NRS
30 503.050, and may refuse to issue any new license , *permit or*
31 *privilege* to the convicted person for any period not to exceed 5
32 years after the date of the conviction; and

33 (b) ~~{Revoke}~~ *Except for a license or permit to hunt or fish or a*
34 *trapping license that is revoked pursuant to NRS 501.1812 to*
35 *501.1818, inclusive, revoke* any license *or permit* of any person
36 who is convicted of unlawfully killing or possessing a bighorn
37 sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion
38 or black bear in violation of NRS 501.376, and may ~~H~~:

39 ~~—— (1) Refuse~~ *refuse* to issue any new license *or permit* to the
40 convicted person for any period not to exceed 3 years . ~~H; and~~

41 ~~—— (2) Revoke that person's privilege to apply for any big game~~
42 ~~tag for a period not to exceed 10 years.]~~

43 2. The court in which the conviction is had shall require the
44 immediate surrender of all such licenses *and permits* and shall
45 forward them to the Commission.



1 **Sec. 5.** This act becomes effective on January 1, 2010.

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