

ASSEMBLY BILL NO. 142—ASSEMBLYMAN HANSEN

FEBRUARY 11, 2015

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing the administration and enforcement of wildlife laws. (BDR 45-402)

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; making various changes relating to violations of provisions relating to wildlife; eliminating, under certain circumstances, the authority of the Board of Wildlife Commissioners and the Department of Wildlife to suspend or revoke a license, tag, permit, certificate or other document or privilege relating to wildlife; authorizing a court, under certain circumstances, to order the suspension or revocation of a license, tag, permit, certificate or other document or privilege relating to wildlife; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to establish a system of assessing demerit points for a person who is convicted of violating certain laws and regulations in this State relating to wildlife. (NRS 501.1812-501.1818) Pursuant to the system, a person accumulates demerit points if the person is convicted of violating certain provisions of law. If a person accumulates 12 demerit points, the Department of Wildlife is required to suspend or revoke any license, permit or privilege that the Department has issued to the person. With limited exception, a license, permit or privilege may not be suspended for more than 3 years. (NRS 501.1816) In addition to the authority of the Department to suspend or revoke a license pursuant to the demerit system, existing law authorizes a court to require the surrender of a license issued by the Department to a person if the person is found guilty of violating any provision of title 45 of NRS. (NRS 501.387) **Section 1.5** of this bill eliminates the authority of the Commission to establish a schedule of demerit points, and instead requires that the Department assess demerit points pursuant to the schedule of demerit points set forth in **section 1.1** of this bill. **Section 5** of this bill provides that, except as otherwise provided by



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specific statute, a court may not suspend or revoke a license for a period of more than 3 years.

Existing law authorizes, under certain circumstances, the Commission or the Department to revoke or suspend a license, tag, permit, certificate or other document or privilege issued to a person by the Department. (NRS 501.3855, 501.3865, 501.388, 502.370, 503.185, 503.310, 504.380, 504.390, 504.395) Sections 2-4 and 6-12 of this bill eliminate the revocation and suspension authority of the Commission and the Department under those circumstances and instead grant that authority to a court of competent jurisdiction. Section 2 also revises the penalty for the unlawful killing or possession of a mountain lion. (NRS 501.376)

Section 1.9 of this bill retains the authority of the Department under existing law to suspend or revoke a license, permit or privilege pursuant to the demerit system.

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

Section 1. (Deleted by amendment.)

Sec. 1.1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall only assess demerit points as provided in NRS 501.1814 pursuant to the following schedule:

HUNTING AND TAKING

<i>Classification of Violations</i>	<i>NRS Section</i>	<i>Demerits</i>
<i>Unlawfully shooting at a game mammal or game bird from an aircraft, helicopter or motor-driven vehicle or using such a vehicle to molest, rally, stir up or drive game mammals or game birds.....</i>	<i>503.010</i>	<i>6</i>
<i>Spotting or locating game mammals or game birds from an aircraft or helicopter and communicating that information to a person on the ground for the purpose of hunting.....</i>	<i>503.010</i>	<i>3</i>
<i>Unlawfully using information obtained in violation of subsection 3 of NRS 503.010 to hunt or kill game mammals or game birds.....</i>	<i>503.010</i>	<i>3</i>



	NRS	
	Section	Demerits
Classification of Violations		
Unlawfully using a helicopter to transport game, hunters or hunting equipment	503.010	3
Unlawfully killing or attempting to kill birds or animals from an aircraft	503.005	6
Unlawfully using an aircraft, balloon or satellite to locate or observe big game for the purpose of hunting	501.385	6
Hunting or taking an endangered species without a special permit.....	503.585	12
Unlawfully killing, destroying, wounding, trapping or injuring bald eagles or golden eagles.....	503.610	12
Unlawfully taking bald eagles or golden eagles	503.620	12
Taking twice the legal limit or more of big game mammals	501.385	12
Hunting or taking a threatened species	501.385	9
Unlawfully killing a fur-bearing mammal during the closed season.....	503.440	9
Unlawfully hunting migratory waterfowl by aid of baiting.....	501.385	3
Hunting big game mammals during the closed season	503.090	6
Hunting fur-bearing mammals during the closed season	501.015	6
Hunting big game mammals in closed areas.....	501.385	6
Hunting fur-bearing mammals in closed areas.....	501.385	6
Unlawfully hunting in a privately owned wildlife management area	504.140	6
Unlawfully hunting in a state-owned wildlife management area	504.143	6
Hunting big game mammals or migratory waterfowl during prohibited hours	503.140	6



<i>Classification of Violations</i>	<i>NRS Section</i>	<i>Demerits</i>
<i>Unlawfully hunting game birds or game mammals with the aid of artificial light.....</i>	<i>503.150</i>	<i>6</i>
<i>Hunting or taking a sensitive species</i>	<i>501.385</i>	<i>6</i>
<i>Hunting, trapping, possessing or selling birds of prey or raptors without a permit.....</i>	<i>503.582</i>	<i>6</i>
<i>Hunting alternative livestock</i>	<i>503.242</i>	<i>6</i>
<i>Taking a game mammal of a prohibited age or with prohibited physical characteristics</i>	<i>501.385</i>	<i>6</i>

UNLAWFUL POSSESSION

<i>Classification of Violations</i>	<i>NRS Section</i>	<i>Demerits</i>
<i>Unlawfully possessing live wildlife that is classified as prohibited.....</i>	<i>504.295</i>	<i>12</i>
<i>Unlawfully possessing big game mammals during the closed season.....</i>	<i>503.030</i>	<i>9</i>
<i>Possessing a big game mammal or parts thereof without a tag attached thereto</i>	<i>502.150</i>	<i>9</i>
<i>Possessing twice the legal limit or more of game birds or game mammals, other than big game.....</i>	<i>501.385</i>	<i>9</i>
<i>Possessing twice the legal limit or more of game fish.....</i>	<i>501.385</i>	<i>9</i>
<i>Unlawfully possessing a fur-bearing mammal during the closed season</i>	<i>503.030</i>	<i>6</i>
<i>Possessing game birds or game mammals, other than big game, during the closed season</i>	<i>503.030</i>	<i>6</i>
<i>Possessing fish during the closed season.....</i>	<i>503.030</i>	<i>6</i>



<i>Classification of Violations</i>	<i>NRS Section</i>	<i>Demerits</i>
<i>Possessing game birds or game mammals, other than big game, in excess of the legal limit but less than twice the legal limit.....</i>	<i>501.385</i>	<i>6</i>
<i>Possessing game fish in excess of the legal limit but less than twice the legal limit.....</i>	<i>501.385</i>	<i>6</i>
<i>Possessing a species that may not legally be possessed without a license or permit.....</i>	<i>501.385</i>	<i>6</i>

TAGS AND SEALS

<i>Classification of Violations</i>	<i>NRS Section</i>	<i>Demerits</i>
<i>Hunting big game or wild turkey without a tag</i>	<i>502.130</i>	<i>9</i>
<i>Unlawfully transferring a tag to another person.....</i>	<i>502.140</i>	<i>9</i>
<i>Possessing or using a tag legally issued to another person</i>	<i>502.140</i>	<i>9</i>
<i>Obtaining tags in excess of the legal limit</i>	<i>502.140</i>	<i>9</i>
<i>Possessing used tags or tags in excess of the legal limit</i>	<i>502.150</i>	<i>9</i>
<i>Unlawfully using a tag</i>	<i>502.200</i>	<i>9</i>
<i>Using a tag in an improper area</i>	<i>502.160</i>	<i>6</i>
<i>Failing to punch a tag properly</i>	<i>502.160</i>	<i>6</i>
<i>Failing to attach a tag to a big game mammal in the manner prescribed by regulation of the Commission</i>	<i>502.160</i>	<i>3</i>
<i>Hunting by a Native American off a Native American reservation without a tag</i>	<i>502.280</i>	<i>6</i>
<i>Possessing fur-bearing mammals, other than a bobcat, without a seal</i>	<i>501.385</i>	<i>6</i>
<i>Possessing the pelt of a bobcat without a seal.....</i>	<i>501.385</i>	<i>3</i>



<i>Classification of Violations</i>	<i>NRS Section</i>	<i>Demerits</i>
<i>Possessing the hide of a mountain lion without a seal501.385</i>		<i>6</i>
<i>Possessing the horns of a ram bighorn sheep without a seal or brand501.385</i>		<i>6</i>

PERMITS

<i>Classification of Violations</i>	<i>NRS Section</i>	<i>Demerits</i>
<i>Unlawfully importing or transporting a prohibited species of wildlife without a permit or license503.597</i>		<i>12</i>
<i>Collecting unprotected wildlife for commercial purposes without a permit501.385</i>		<i>12</i>
<i>Collecting live bait fish or live aquatic bait for commercial purposes without a permit501.385</i>		<i>12</i>
<i>Collecting unprotected fish for commercial purposes without a permit501.385</i>		<i>12</i>
<i>Selling live bait without a permit501.379</i>		<i>6</i>
<i>Conducting a field trial without a permit503.200</i>		<i>6</i>
<i>Conducting a dredging operation without a permit503.425</i>		<i>6</i>
<i>Possessing a raptor without a permit503.582</i>		<i>6</i>
<i>Furnishing false information to obtain a permit502.060</i>		<i>6</i>

FISHING

<i>Classification of Violations</i>	<i>NRS Section</i>	<i>Demerits</i>
<i>Fishing at a fish hatchery or other waters used for the purpose of rearing or growing fish503.360</i>		<i>6</i>



MISCELLANEOUS FISH AND GAME

<i>Classification of Violations</i>	<i>NRS Section</i>	<i>Demerits</i>
<i>Obstructing, hindering or otherwise interfering with an officer, employee or agent of the Department.....</i>	<i>501.385</i>	<i>12</i>
<i>Unlawfully selling big game mammals.....</i>	<i>501.379</i>	<i>12</i>
<i>Unlawfully selling an endangered species.....</i>	<i>501.379</i>	<i>12</i>
<i>Needless waste of big game mammals.....</i>	<i>503.050</i>	<i>12</i>
<i>Needless waste of game birds or game mammals, other than big game.....</i>	<i>503.050</i>	<i>9</i>
<i>Unlawfully selling a threatened species.....</i>	<i>501.379</i>	<i>9</i>
<i>Unlawfully selling game other than big game mammals.....</i>	<i>501.379</i>	<i>6</i>
<i>Unlawfully selling a sensitive or protected species.....</i>	<i>501.379</i>	<i>6</i>
<i>Unlawfully selling game fish.....</i>	<i>501.381</i>	<i>6</i>
<i>Needless waste of game fish.....</i>	<i>503.050</i>	<i>6</i>
<i>Unlawfully carrying a loaded rifle or shotgun in a vehicle.....</i>	<i>503.165</i>	<i>6</i>
<i>Unlawfully discharging a firearm.....</i>	<i>503.175</i>	<i>6</i>
<i>Failing to retain the cape or scalp and any antlers or horns of wildlife.....</i>	<i>501.385</i>	<i>6</i>
<i>Destroying or mutilating signs of the Department.....</i>	<i>501.383</i>	<i>6</i>
<i>Polluting water.....</i>	<i>503.430</i>	<i>6</i>
<i>Removing, altering or tampering with a tag placed on wildlife or on seized equipment.....</i>	<i>501.377</i>	<i>6</i>
<i>Commercial taking of crayfish, except in accordance with a permit issued by the Department.....</i>	<i>501.385</i>	<i>6</i>
<i>Intentionally interfering with a person lawfully hunting or trapping.....</i>	<i>503.015</i>	<i>6</i>



<i>Classification of Violations</i>	<i>NRS Section</i>	<i>Demerits</i>
<i>Hunting or trapping on private property without permission.....</i>	<i>503.240</i>	<i>6</i>
<i>Failing to make a reasonable effort to retrieve dead or crippled migratory waterfowl</i>	<i>501.385</i>	<i>3</i>

CATEGORY E FELONIES AND GROSS MISDEMEANORS

<i>Classification of Violations</i>	<i>NRS Section</i>	<i>Demerits</i>
<i>Conviction of a felony for intentionally killing a big game mammal, including aiding and abetting a person in the commission of the killing</i>	<i>501.376</i>	<i>12</i>
<i>Conviction of a gross misdemeanor for intentionally killing a big game mammal, including aiding and abetting a person in the commission of the killing</i>	<i>501.376</i>	<i>12</i>
<i>Conviction of a gross misdemeanor for willfully possessing an unlawfully killed big game mammal</i>	<i>501.376</i>	<i>12</i>
<i>Acting as a master guide or subguide without a license</i>	<i>504.395</i>	<i>12</i>
<i>Furnishing false information to obtain a big game tag</i>	<i>502.060</i>	<i>12</i>

TRAPPING

<i>Classification of Violations</i>	<i>NRS Section</i>	<i>Demerits</i>
<i>Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait</i>	<i>501.385</i>	<i>3</i>
<i>Trapping in a closed area.....</i>	<i>501.385</i>	<i>3</i>



<i>Classification of Violations</i>	<i>NRS Section</i>	<i>Demerits</i>
<i>Unlawfully removing or disturbing a trap lawfully being used by another person.....</i>	<i>503.454</i>	<i>3</i>
<i>Trapping fur-bearing mammals during the closed season</i>	<i>503.440</i>	<i>6</i>
<i>Trapping birds of prey or raptors without a permit or by unlawful means</i>	<i>503.582</i>	<i>6</i>

LICENSES

<i>Classification of Violations</i>	<i>NRS Section</i>	<i>Demerits</i>
<i>Refusing to exhibit a license, wildlife, weapon, ammunition, device or apparatus.....</i>	<i>502.120</i>	<i>12</i>
<i>Hunting without having procured a license</i>	<i>502.010</i>	<i>6</i>
<i>Fishing without having procured a license</i>	<i>502.010</i>	<i>6</i>
<i>Hunting without a license in possession</i>	<i>502.120</i>	<i>6</i>
<i>Fishing without a license in possession</i>	<i>502.120</i>	<i>6</i>
<i>Furnishing false information to obtain a license</i>	<i>502.060</i>	<i>6</i>
<i>Furnishing of false information by a person serving in the Armed Forces of the United States to obtain a license</i>	<i>502.290</i>	<i>6</i>
<i>Unlawfully transferring a license to another person.....</i>	<i>502.100</i>	<i>6</i>
<i>Unlawfully using a license of another person.....</i>	<i>502.100</i>	<i>6</i>
<i>Obtaining more than one license of each class.....</i>	<i>502.110</i>	<i>6</i>
<i>Altering a license</i>	<i>502.105</i>	<i>6</i>
<i>Practicing falconry without a license</i>	<i>503.583</i>	<i>6</i>
<i>Operating as a fur dealer without a license</i>	<i>505.010</i>	<i>6</i>



<i>Classification of Violations</i>	<i>NRS Section</i>	<i>Demerits</i>
<i>Trapping without having procured a license502.010</i>		<i>6</i>
<i>Taking fur-bearing mammals, trapping unprotected mammals or selling raw furs for profit without having procured a license503.454</i>		<i>6</i>
<i>Trapping without a license in possession502.120</i>		<i>6</i>
<i>Hunting, fishing or trapping using a license that is invalid by reason of expiration or a false statement made to obtain the license502.060</i>		<i>3</i>
<i>Operating a shooting preserve without a license504.310</i>		<i>6</i>
<i>Performing taxidermal services without a license502.370</i>		<i>6</i>
<i>Obtaining a hunting license without obtaining certification as a responsible hunter502.360</i>		<i>6</i>

2. If a person is convicted of committing a wildlife violation that does not appear in the schedule set forth in subsection 1, the Department shall assess not more than 3 demerit points.

3. If a person is convicted of committing any four wildlife violations arising out of separate events within a 60-month period, the Department shall not assess more than an extra 12 demerit points.

Sec. 1.3. NRS 501.1812 is hereby amended to read as follows:
501.1812 As used in NRS 501.1812 to 501.1818, inclusive,
and section 1.1 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 504.398, inclusive; or

(b) A provision of the Lacey Act Amendments of 1981, 16 U.S.C. §§ 3371 et seq., if the violation of that provision is based on a violation of a law or regulation of this State.

Sec. 1.5. 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 *pursuant to section 1.1 of this act* 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 1.1 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 conviction 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. 1.9. NRS 501.1816 is hereby amended to read as follows:

501.1816 1. *If a person who has accumulated 4 or more demerit points presents proof to the Department that he or she has successfully completed a course of instruction in the responsibilities of hunters approved by the Department, the Department shall deduct 4 demerit points from the person's record.*

2. If a person accumulates 9 or more demerit points, but less than 12, the Department shall notify the person of that fact by certified mail. If, after the Department mails the notice, the person presents proof to the Department that he or she has, after his or her most recent wildlife conviction, successfully completed a course of instruction in the responsibilities of hunters approved by the Department, the Department shall deduct 4 demerit points from the person's record.

3. A person may attend a course of instruction in the responsibilities of hunters only once in 60 months for the purpose of reducing his or her demerit points.



~~[2.]~~ 4. If a person accumulates 12 or more demerit points before completing a course of instruction pursuant to subsection 1 ~~H~~ or 2, the Department shall suspend or revoke any license, permit or privilege issued to the person pursuant to this title.

~~[3.]~~ 5. Not later than 60 days after the Department determines that a person has accumulated 12 demerit points, the Department shall notify the person by certified mail that the person's privileges will be suspended or revoked. Except as otherwise provided in subsection ~~[4.]~~ 6, the Department shall suspend or revoke those privileges 30 days after it mails the notice.

~~[4.]~~ 6. Any person who receives the notice required by subsection ~~[3.]~~ 5 may submit to the Department a written request for a hearing before the Commission not later than 30 days after the receipt of the notice. If a written request for a hearing is received by the Department:

(a) The suspension or revocation of the license, permit or privilege is stayed until a determination is made by the Commission after the hearing.

(b) The hearing must be held within 60 days after the request is received.

~~[5.]~~ 7. The periods of suspension or revocation imposed pursuant to this section must run concurrently. Except as otherwise provided in this subsection, no license, permit or privilege may be suspended or revoked pursuant to this section for more than 3 years.

~~[The license, permit or privilege of a person who is convicted pursuant to NRS 501.376 of:~~

~~—(a) A gross misdemeanor may not be suspended or revoked for more than 5 years;~~

~~—(b) Except as otherwise provided in paragraph (c), a felony may not be suspended or revoked for more than 10 years; or~~

~~—(c) Two or more felonies, arising from separate events, must be permanently revoked.~~

~~6.]~~ 8. If the Department suspends or revokes a license, permit or privilege pursuant to this section, the period of suspension or revocation begins 30 days after notification pursuant to subsection ~~[3.]~~ 5 or a determination is made by the Commission pursuant to subsection ~~[4.]~~ 6. After a person's license, permit or privilege is suspended or revoked pursuant to this section, all demerit points accumulated by that person must be cancelled.

Sec. 1.95. NRS 501.1818 is hereby amended to read as follows:

501.1818 The Commission may adopt such regulations as are necessary to carry out the provisions of NRS 501.1812 to 501.1818, inclusive ~~H~~, and section 1.1 of this act.



Sec. 2. NRS 501.376 is hereby amended to read as follows:

501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear:

(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;

(b) Through the use of an aircraft or helicopter in violation of NRS 503.010;

(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;

(d) Knowingly during a time other than:

(1) The time of day set by the Commission for hunting that animal pursuant to NRS 503.140; or

(2) If the Commission has not set such a time, between sunrise and sunset as determined pursuant to that section; or

(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:

(1) Other than the person specified on the tag;

(2) Outside of the management area or other area specified on the tag; or

(3) If the tag was obtained by a false or fraudulent representation.

2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:

(a) The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal; or

(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.

3. ~~1A~~ *Except as otherwise provided in subsection 4, a* person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:

(a) The nature of the offense;

(b) The circumstances surrounding the offense;

(c) The defendant's understanding and appreciation of the gravity of the offense;

(d) The attitude of the defendant towards the offense; and

(e) The general objectives of sentencing.



4. *A person who kills or aids and abets another person to kill a mountain lion in violation of the provisions of subsection 1 is guilty of a misdemeanor.*

5. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.

~~15.1~~ 6. A person who violates the provisions of subsection ~~14~~ 5 is guilty of ~~1a~~:

(a) *A misdemeanor if the willful possession is of a mountain lion; and*

(b) *A gross misdemeanor ~~1~~ if the willful possession is of any animal specified in subsection 1 other than a mountain lion.*

7. *In addition to any other penalty, if a person is convicted pursuant to this section of:*

(a) *A gross misdemeanor, the court may order the suspension or revocation of any license, tag, permit, certificate or other document or privilege issued to the person pursuant to this title for a period of not more than 5 years.*

(b) *A felony, the court may order the suspension or revocation of any license, tag, permit, certificate or other document or privilege issued to the person pursuant to this title for a period of not more than 10 years.*

(c) *Two or more felonies arising from separate events, the court shall order the permanent revocation of all licenses, tags, permits, certificates or other documents or privileges issued to the person pursuant to this title.*

Sec. 3. 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) Unlawfully kills or possesses a trophy big game mammal is liable for a civil penalty of not less than \$5,000 nor more than \$30,000; or

(b) Except as otherwise provided in paragraph (a), unlawfully kills or possesses a big game mammal, moose, bobcat, swan or eagle is liable for a civil penalty of not less than \$250 but less than \$5,000.

2. For the unlawful killing or possession of fish or wildlife not included in subsection 1, a person is liable for a civil penalty of not less than \$25 nor more than \$1,000.

3. For hunting, fishing or trapping without a valid license, tag or permit, a person is liable for a civil penalty of not less than \$50 nor more than the amount of the fee for the license, tag or permit required for the activity in which the person engaged.



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

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

6. If a person who is ordered to pay a civil penalty pursuant to this section fails to do so within 90 days after the date set forth in the order, the ~~court may order the~~ Department ~~[may]~~ to suspend ~~[]~~ or revoke ~~[, or refuse]~~ and not to issue or renew any license, tag, permit, certificate or other document or privilege otherwise available to the person pursuant to this title or chapter 488 of NRS.

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

8. As used in this section, "trophy big game mammal" means a mule deer with an outside antler measurement of at least 24 inches, a bighorn sheep of any species with at least one horn exceeding a half curl, a Rocky Mountain elk with at least six antler points on one antler, a pronghorn antelope with at least one horn which is more than 14 inches in length, a mountain goat or a black bear. As used in this subsection:

(a) "Antler" means any bony growth originating from the pedicle portion of the skull of a big game mammal that is annually cast and regenerated as part of the annual life cycle of the big game mammal.

(b) "Antler point" means a projection which is at least 1 inch in length with the length exceeding the width of its base, excluding the first point on the main beam commonly known as the eye guard on mule deer.

(c) "Horn exceeding a half curl" means a horn tip that has grown at least through 180 degrees of a circle determined by establishing a parallel reference line from the base of the horn and measuring the horn tip to determine whether the horn tip has grown at least to the projection of the reference line.

(d) "Outside antler measurement" means the perpendicular measurement at right angles to the center line of the skull of a deer at the widest point between the main antler beams or the antler points off the main antler beams.

Sec. 4. NRS 501.3865 is hereby amended to read as follows:

501.3865 1. If a person who holds:



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(a) A license, tag or permit issued by the Department to engage in any activity authorized or regulated by this title or by a regulation adopted pursuant thereto; or

(b) A certificate of number issued by the Department,
↪ violates a written promise to appear pursuant to a citation that was prepared manually or electronically for a violation of a provision of this title, chapter 488 of NRS or any regulation adopted pursuant thereto, the clerk of the court shall immediately notify the Department on a form approved by the Department.

2. Upon receipt of notice from a court in this State of a failure to appear, the Department shall notify the person by certified mail that the person's license, tag, permit or certificate of number is subject to suspension **by order of the court** and allow the person 30 days after the date of mailing the notice to:

(a) Appear in court and obtain a dismissal of the citation or complaint as provided by law; **or**

(b) Appear in court and, if permitted by the court, make an arrangement acceptable to the court to satisfy a judgment of conviction. ~~or~~

~~—(c) Make a written request to the Department for a hearing.~~

3. If ~~[notified by a court within 30 days after the notice of a failure to appear that a person has been allowed to make]~~, **within the time provided by subsection 2, the person:**

(a) Fails to appear in court;

(b) Appears in court but is unable to obtain a dismissal of the citation or complaint as provided by law and does not immediately satisfy a judgment of conviction; or

(c) Appears in court and makes an arrangement for the satisfaction of a judgment of conviction ~~[, the Department shall remove the suspension from the record of the person. If the person] but~~ subsequently defaults on his or her arrangement with the court,
↪ the court shall ~~[notify the Department which shall immediately suspend]~~ **order the suspension of** the **person's** license, tag, permit or certificate of number until the ~~[court notifies the Department that the suspension may be removed.~~

~~—4. The Department shall suspend the license, tag, permit or certificate of number of a person 31 days after the Department mails the person the notice provided for in subsection 2, unless within that period the Department receives a written request for a hearing from the person or notice from the court on a form approved by the Department that the person has appeared or the citation or complaint has been dismissed. A license, tag, permit or certificate of number so suspended remains suspended until further notice is received from the court that the person has appeared or that the case has been]~~ **person satisfies a judgment of conviction or the case is**



otherwise disposed of as provided by law. *If a judgment of conviction is satisfied or the case is otherwise disposed of, the clerk of the court shall so notify the Department on a form approved by the Department and the Department shall reinstate the license, tag, permit or certificate of number.*

Sec. 5. NRS 501.387 is hereby amended to read as follows:

501.387 1. Except as otherwise provided by specific statute, upon a conviction of a violation of any provision of this title, or any regulation adopted pursuant to this title, in addition to the penalty provided for the violation, the court may ~~require~~:

(a) *Order that any license issued under the provisions of this title and held by the convicted person be suspended or revoked for a period of not more than 3 years; and*

(b) *Require* the immediate surrender of all licenses issued under the provisions of this title and held by the convicted person. Upon receipt of a surrendered license, the court shall forward it to the Commission.

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

3. A convicted person shall not, during the time the person's license is revoked or suspended:

(a) Engage in any activity for which the license was issued; or

(b) Purchase or otherwise obtain a license which has been suspended or revoked.

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

Sec. 6. NRS 501.388 is hereby amended to read as follows:

501.388 1. ~~The Commission~~ *A court of competent jurisdiction* may, in addition to any suspension, revocation or other penalty imposed pursuant to any other provision of this title:

(a) ~~Revoke~~ *Order the revocation of* any license of any person who is convicted of a violation of NRS 503.050, and ~~may refuse to~~ *order that the Department not* issue any new license to the convicted person for any period not to exceed 5 years after the date of the conviction; and

(b) ~~Revoke~~ *Order the revocation of* any license of any person who is convicted of unlawfully killing or possessing a bighorn



1 sheep, mountain goat, elk, deer, pronghorn antelope ~~1, mountain~~
2 ~~lion~~ or black bear in violation of NRS 501.376, and may:

3 (1) ~~[Refuse to]~~ **Order that the Department not** issue any new
4 license to the convicted person for any period not to exceed 3 years;
5 and

6 (2) Revoke that person's privilege to apply for any big game
7 tag for a period not to exceed 10 years.

8 2. The court in which the conviction is had shall require the
9 immediate surrender of all such licenses and shall forward them to
10 the Commission.

11 **Sec. 7.** NRS 502.370 is hereby amended to read as follows:

12 502.370 1. A license to practice taxidermy is required before
13 any person may perform taxidermal services for others on any
14 wildlife or their parts, nests or eggs.

15 2. Annual licenses must be issued by the Department to
16 applicants who satisfy the requirements established by the
17 Department and pay a fee of:

18
19 Fee to practice commercial taxidermy \$44
20 Fee to practice noncommercial taxidermy..... 20
21

22 3. Any person who wishes to obtain a license to practice
23 taxidermy must apply for the license on an application form
24 provided by the Department. The applicant must provide such
25 information on the form as the Commission may require by
26 regulation.

27 4. The Commission may adopt regulations governing the
28 licensing of taxidermists and the practice of taxidermy, including:

29 (a) The receipt, possession, transportation, identification,
30 purchase and sale of wildlife or parts thereof to be or which have
31 been processed by a taxidermist;

32 (b) The maintenance and submission of written records; and

33 (c) Any other matter concerning the practice, conduct and
34 operating procedures of taxidermists as the Commission may deem
35 necessary.

36 5. A person who is authorized to enforce the provisions of this
37 title may enter the facilities of a licensee at any reasonable hour and
38 inspect the licensee's operations and records.

39 6. If a licensee is convicted of a violation of any provision of
40 this title or the regulations adopted by the Commission, ~~[the~~
41 ~~Commission]~~ **a court of competent jurisdiction** may ~~[revoke]~~ **order**
42 **the revocation of** his or her license and ~~[may refuse to]~~ **order the**
43 **Department not to** issue another license to him or her for a period
44 not to exceed 5 years.



7. The provisions of this section do not apply to institutions of learning of this State or of the United States, or to research activities conducted exclusively for scientific purposes, or for the advancement of agriculture, biology or any of the sciences.

Sec. 8. NRS 503.185 is hereby amended to read as follows:

503.185 1. Every person involved in a hunting accident where damage to property results, or which involves the injury of or death to another person, shall file a report of the accident with the Department within 30 days after the accident. The report must be on the form prescribed by the Department.

2. ~~{The Department}~~ **A court of competent jurisdiction** shall ~~revoke~~ **order the revocation of** any hunting license held by a person convicted of violating NRS 503.165 or 503.175, if the violation results in an injury to or the death of another person. The Department shall not issue another such license to the person sooner than 2 years after the revocation.

Sec. 9. NRS 503.310 is hereby amended to read as follows:

503.310 1. The Commission may regulate or prohibit the use of live bait in fishing so that no undesirable species are introduced into the public waters of this State.

2. Any person engaged in the sale of live bait must first obtain a permit from the Department for the fee provided in NRS 502.240. ~~{The permit may be revoked}~~ **A court of competent jurisdiction may order the revocation of the permit** for any violation of regulations.

3. The Commission may prescribe the species which may be held or sold by the permittee.

Sec. 10. NRS 504.380 is hereby amended to read as follows:

504.380 The violation of any of the provisions of NRS 504.300 to 504.370, inclusive, or the rules and regulations prescribed by the Commission is punishable in accordance with the provisions of NRS 501.385, and in addition thereto any license issued under the provisions of NRS 504.300 to 504.370, inclusive, may be revoked by ~~{the Commission or by}~~ **order of** a court of competent jurisdiction for the balance of the license term, and no new license may be issued during the same license year.

Sec. 11. NRS 504.390 is hereby amended to read as follows:

504.390 1. As used in this section, unless the context otherwise requires:

(a) "Compensation" means any remuneration given in exchange for providing guide service which is predicated on a business relationship between the parties. The term does not include any reimbursement for shared trip expenses, including, without limitation, expenses for gasoline, food or any other costs that are



generally associated with persons who are engaging in recreational hunting or fishing together.

(b) “Guide” means to assist another person for compensation in hunting wild mammals or wild birds and fishing and includes the transporting of another person or the person’s equipment to hunting and fishing locations within a general hunting and fishing area whether or not the guide determines the destination or course of travel.

2. Each person who provides guide service for compensation or provides guide service as an incidental service to customers of any commercial enterprise, whether a direct fee is charged for the guide service or not, must obtain a master guide license from the Department. Such a license must not be issued to any person who has not reached 21 years of age.

3. Except as otherwise provided in this subsection, each person who assists a person who is required to have a master guide license and acts as a guide in the course of that activity must obtain a subguide license from the Department. Such a license must not be issued to any person who has not reached 18 years of age. The provisions of this subsection do not apply to a person who:

(a) Is employed by or assists a person who holds a master guide license solely for the purpose of cooking, cutting wood, caring for, grooming or saddling livestock, or transporting a person by motor vehicle to or from a public facility for transportation, including, without limitation, a public airport.

(b) Holds a master guide license which authorizes the person to provide services for the same species and in the same areas as the guide who employs him or her or requests the person’s assistance and has submitted to the Department a notarized statement which indicates that the person is employed by or provides assistance to the guide. The statement must be signed by both guides.

4. Fees for master guide and subguide licenses must be as provided in NRS 502.240.

5. Any person who desires a master guide license must apply for the license on a form prescribed and furnished by the Department. The application must contain the social security number of the applicant and such other information as the Commission may require by regulation. If that person was not licensed as a master guide during the previous licensing year, the person’s application must be accompanied by a nonrefundable fee of \$1,500.

6. Any person who desires a subguide license must apply for the license on a form prescribed and furnished by the Department. If that person was not licensed as a subguide during the previous



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1 licensing year, the person's application must be accompanied by a
2 nonrefundable fee of \$50.

3 7. It is unlawful for the holder of a master guide license to
4 operate in any area where a special use permit is required without
5 first obtaining a permit unless the holder is employed by or
6 providing assistance to a guide pursuant to subsection 3.

7 8. The holder of a master guide license shall maintain records
8 of the number of hunters and anglers served, and any other
9 information which the Department may require concerning fish and
10 game taken by such persons. The information must be furnished to
11 the Department on request.

12 9. If any licensee under this section, or person served by a
13 licensee, is convicted of a violation of any provision of this title or
14 chapter 488 of NRS, ~~the Commission~~ **a court of competent**
15 **jurisdiction** may ~~revoke~~ **order the revocation of** the license of the
16 licensee and may ~~refuse issuance of~~ **order the Department not to**
17 **issue** another license to the licensee for a period not to exceed 5
18 years.

19 10. The Commission may adopt regulations covering the
20 conduct and operation of a guide service.

21 11. The Department may issue master guide and subguide
22 licenses that are valid only in certain management areas,
23 management units or administrative regions in such a manner as
24 may be determined by the regulations of the Commission.

25 **Sec. 12.** NRS 504.395 is hereby amended to read as follows:

26 504.395 1. Any person who purposefully or knowingly acts
27 as a master guide or as a subguide without first obtaining a license
28 pursuant to NRS 504.390 is guilty of:

29 (a) For a first offense, a gross misdemeanor.

30 (b) For a second or subsequent offense, a category E felony and
31 shall be punished as provided in NRS 193.130.

32 2. Any vessel, vehicle, aircraft, pack or riding animal or other
33 equipment used by a person operating in violation of subsection 1 is
34 subject to forfeiture upon the conviction of that person of a gross
35 misdemeanor or felony if that person knew or should have known
36 that the vessel, vehicle, aircraft, animal or equipment would be used
37 in violation of subsection 1.

38 3. In addition to any penalty imposed pursuant to subsection 1,
39 if a person is convicted of violating a provision of that subsection,
40 ~~the Commission~~ **a court of competent jurisdiction** shall:

41 (a) ~~Revoke~~ **Order the revocation of** any license, permit or
42 privilege issued to that person pursuant to this title; and

43 (b) ~~Refuse~~ **Order the Department not** to issue any new
44 license, permit or privilege to the person for 5 years after the date of
45 the conviction.



- 1 **Sec. 13.** Any regulations adopted by the Board of Wildlife
2 Commissioners on or before July 1, 2015, which conflict with the
3 provisions of this act are void. The Legislative Counsel shall remove
4 those regulations from the Nevada Administrative Code as soon as
5 practicable after July 1, 2015.
6 **Sec. 14.** (Deleted by amendment.)
7 **Sec. 15.** This act becomes effective on July 1, 2015.

