Amendment No. 420

Assembly Amendment to Assembly Bill N	o. 142 (BDR 45-402)
Proposed by: Assembly Committee on Na Mining	tural Resources, Agriculture, and
Amends: Summary: No Title: Yes Preamble	e: No Joint Sponsorship: No Digest: Yes

ASSEMBLY	ACT	ION	Initial and Date	SENATE ACTIO	ON Initial and Date
Adopted		Lost		Adopted	Lost
Concurred In		Not		Concurred In	Not
Receded		Not		Receded	Not

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of <u>green bold underlining</u> is language proposed to be added in this amendment; (3) <u>red strikethrough</u> is deleted language in the original bill; (4) <u>purple double strikethrough</u> is language proposed to be deleted in this amendment; (5) <u>orange double underlining</u> is deleted language in the original bill proposed to be retained in this amendment.

AMI/BJE



Date: 4/20/2015

A.B. No. 142—Revises provisions governing the administration and enforcement of wildlife laws. (BDR 45-402)

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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.

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; teliminating the authority of the Commission to establish a system of assessing demerit points for wildlife convictions; 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 [144] 1.5 of this bill eliminates the authority of the Commission to establish a [system] schedule of demerit points, [thereby eliminating the system] 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 specific statute, a court may not suspend or revoke a license for a period of more than 3 years.

licenses issued pursuant to title 45 of NRS to any person who is convicted of a violation of a law relating to wildlife; and (2) adopt regulations governing the revocation of a permit required to develop or maintain certain artificial or artificially created bodies of water. (NRS

501.181) Section 1 of this bill provides that no such policy or regulation may authorize the Commission or the Department to suspend or revoke such a license or permit unless a court orders the suspension or revocation.

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. [NRS 501. 181 is hereby The Commission shall: 6 big and small game mami of a violation of any provision of this title or any ant thereto. No such policy may authorize the Commission Department to suspend or revoke a license issued pursuant to this title unle court orders the suspension or revocation. chapter 488 of NRS, including:

- (a) Seasons for hunting game mammals and game birds, for hunting or trapping fur bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the Department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.
- (b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tass.
- (e) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.
- (d) The number of licenses issued for big game and, if necessary, other game species.
- ¹ 5. Adopt regulations requiring the Department to make public, before efficial delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.
 - 6. Adopt regulations:
- (a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit. No such regulation may authorize the Commission or the Department to revoke such a permit unless a court orders the revocation.
- (b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.
- 7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.
- 8. Adopt regulations governing the trapping of fur bearing mammals in a residential area of a county whose population is 100,000 or more.] (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

NRS

Section	Demerits
503 010	6
	33000

1	Spotting or locating game mammals		
2	or game birds from an aircraft or		
3	helicopter and communicating		
4	that information to a person on		
5	the ground for the purpose of		
6	hunting	503.010	3
7	Unlawfully using information		
8	obtained in violation of subsection		
9	3 of NRS 503.010 to hunt or kill		
10	game mammals or game birds	503.010	3
11	Unlawfully using a helicopter to		
12	transport game, hunters or		
13	hunting equipment	503.010	3
14	Unlawfully killing or attempting to		
15	kill birds or animals from an		
16	aircraft	503.005	6
17	Unlawfully using an aircraft, balloon		
18	or satellite to locate or observe big		
19	game for the purpose of hunting	501 385	6
20	Hunting or taking an endangered		- 0
21	species without a special permit	503 585	12
22	Unlawfully killing, destroying,		12
23	wounding transing or injuring		
24	wounding, trapping or injuring bald eagles or golden eagles	503 610	12
25	Unlawfully taking bald eagles or		12
26	golden eagles	502 620	12
20 27	Taking twice the legal limit or more		12
28	of big game mammals	501 205	12
28 29	Up to the state of		12
30	species	501 205	0
30 31	Unlawfully billing a few bearing		9
32	Unlawfully killing a fur-bearing mammal during the closed season	502 440	9
33	United States of the Cosea Season		9
	Unlawfully hunting migratory waterfowl by aid of baiting	501 205	3
34	waterjowi by ala of batting		3
35	Hunting big game mammals during the closed season	502.000	
36	the closed season	303.090	0
37	Hunting fur-bearing mammals	501.015	
38	during the closed season	301.015	6
39	Hunting big game mammals in closed	#01.20#	
40	areas	501.385	6
41	Hunting fur-bearing mammals in	#01.20#	
42	closed areas.	501.385	6
43	Unlawfully hunting in a privately		
44	owned wildlife management area	504.140	6
45	Unlawfully hunting in a state-owned		
46	wildlife management area	504.143	6
47	Hunting big game mammals or		
48	migratory waterfowl during		
49	prohibited hours	503.140	6
50	Unlawfully hunting game birds or		
51	game mammals with the aid of		
52	artificial light	503.150	6
53	Hunting or taking a sensitive species	501.385	6
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selling birds of prey or raptors		
selling birds of prey or raptors without a permit	503.582	
Hunting alternative livestock	503.242	
Taking a game mammal of a		
prohibited age or with prohibited physical characteristics		
physical characteristics	501.385	
UNLAWFUL POSS	SESSION	
	NRS	
Classification of Violations	Section	Demer
Unlawfully possessing live wildlife		
that is classified as prohibited	504.295	
Unlawfully possessing big game mammals during the closed season		
mammals during the closed season	503.030	
Possessing a big game mammal or		
parts thereof without a tag attached thereto	502.150	
Possessing twice the legal limit or		
more of game birds or game		
mammals, other than big game	501.385	
Possessing twice the legal limit or	011000	
Possessing twice the legal limit or more of game fish	501 385	
Unlawfully possessing a fur-bearing		
mammal during the closed season	503 030	
Possessing game hirds or game		
Possessing game birds or game mammals, other than big game,		
during the closed season	503 030	
Possessing fish during the closed		
Season	503 030	
Possessing game birds or game		
mammals, other than big game, in		
excess of the legal limit but less		
than twice the legal limit	501 205	
Possessing game fish in excess of the		
legal limit but less than twice the		
legal limit	501 205	
legal limit	301.383	
Possessing a species that may not		
legally be possessed without a license or permit	501 205	
ucense or permu	301.383	
TAGS AND SE	EALS	
	NRS	
Classification of Violations	Section	Demer
	<u> </u>	
Hunting big game or wild turkey		
without a tag	502.130	
Unlawfully transferring a tag to		
another person	502.140	
Possessing or using a tag legally	-	

issued to another person	502.140	9
Obtaining tags in excess of the legal		
limit	502.140	9
Possessing used tags or tags in excess		
of the legal limit	502.150	9
Unlawfully using a tag	502.200	9
Using a tag in an improper area		6
Failing to punch a tag properly	502.160	6
Failing to attach a tag to a big game		
mammal in the manner prescribed		
by regulation of the Commission	502.160	3
Hunting by a Native American off a		
Native American reservation		
Native American reservation without a tag	502.280	6
Possessing tur_hearing mammals		
other than a bobcat, without a seal	501.385	6
Possessing the pelt of a bobcat		
without a seal	501.385	3
Possessing the hide of a mountain		
lion without a seal	501.385	6
Possessing the horns of a ram		
bighorn sheep without a seal or		
brand	501.385	6
	NRS	
Classification of Violations	Section	Demerits
Unlawfully importing or transporting a prohibited species of wildlife without a permit or license	503.597	12
Collecting unprotected wildlife for commercial purposes without a	501 205	12
permit	301.383	12
bait for commercial purposes		
without a permit	501 385	12
Collecting unprotected fish for		12
commercial purposes without a		
	501 205	12
permit		<u>12</u>
Selling live bait without a permit		0
Conaucting a fiela trial without a		
	502 200	/
permit	503.200	6
Conducting a dredging operation		
Conducting a dredging operation without a permit	503.425	6
Conducting a dredging operation without a permit Possessing a raptor without a permit	503.425	
Conducting a dredging operation without a permit Possessing a raptor without a permit Furnishing false information to	503.425 503.582	<u>6</u>
Conducting a dredging operation without a permit Possessing a raptor without a permit	503.425 503.582	<u>6</u>
Conducting a dredging operation without a permit Possessing a raptor without a permit Furnishing false information to	503.425 503.582	<u>6</u>
Conducting a dredging operation without a permit	503.425 503.582	<u>6</u>

Classification of Violations	Section	Demerits
Fishing at a fish hatchery or other		
waters used for the purpose of		
rearing or growing fish	503 360	(
<u>MISCELLANEOUS FIS</u>	H AND GAME	
	NRS	-
Classification of Violations	Section	<u>Demerits</u>
Obstructing, hindering or otherwise		
interfering with an officer,		
employee or agent of the		
Department	501.385	12
Unlawfully selling big game		
mammals	501.379	12
Unlawfully selling an endangered		
species	501.379	12
Needless waste of big game mammals	503.050	12
Needless waste of game birds or game		
mammals, other than big game	503.050	9
Unlawfully selling a threatened		
species	501.379	9
Unlawfully selling game other than		
big game mammals	501.379	
Unlawfully selling a sensitive or		
protected species	501.379	
Unlawfully selling game fish	501.381	(
Needless waste of game fish	503.050	(
Unlawfully carrying a loaded rifle or		
shotgun in a vehicle		(
Unlawfully discharging a firearm	503.175	(
Failing to retain the cape or scalp		
and any antlers or horns of		
wildlife	501.385	
Destroying or mutilating signs of the		
Department	5 <i>01.383</i>	
Polluting water	503.430	
Removing, altering or tampering with		
a tag placed on wildlife or on seized equipment		
seized equipment	501.377	
Commercial taking of crayfish, except		
in accordance with a permit issued		
by the Department	501.385	(
Intentionally interfering with a		
person lawfully hunting or		
trapping	503.015	
Hunting or trapping on private		
property without permission	503.240	(
Failing to make a reasonable effort to		
retrieve dead or crippled migratory		
waterfowl	<i>501.385</i>	Ĵ

<u>CATEGORY E FELONIES AND</u> <u>GROSS MISDEMEANORS</u>

	NRS	
Classification of Violations	<u>Section</u>	Demerits
Cussification of Financial	Section	Demertis
Conviction of a felony for		
intentionally killing a big game		
mammal, including aiding and		
abetting a person in the		
commission of the killing	501.376	12
Conviction of a gross misdemeanor		
for intentionally killing a big game		
mammal, including aiding and		
abetting a person in the		
commission of the killing	501.376	12
Conviction of a gross misdemeanor		
for willfully possessing an		
unlawfully killed big game	501.256	10
mammal	301.376	12
Acting as a master guide or subguide	504 205	12
without a license	304.393	12
Furnishing false information to obtain a big game tag	502.060	12
obtain a big game tag	302.000	12
TRAPPING		
<u> Marinto</u>		
	NRS	
Classification of Violations	Section	<u>Demerits</u>
Classification of Violations	Section	<u>Demerits</u>
Unlawfully capturing a raptor with a	Section	<u>Demerits</u>
Unlawfully capturing a raptor with a steel leghold trap placed, set or	Section	<u>Demerits</u>
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of	zemon	<u>Demerits</u>
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait	501.385	Demerits 3
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait	501.385	
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a	501.385	
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by		3 3
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by another person		
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by another person Trapping fur-bearing mammals	501.385 501.385	3 3
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by another person Trapping fur-bearing mammals during the closed season.	501.385 501.385	3 3
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by another person Trapping fur-bearing mammals during the closed season Trapping birds of prey or raptors	501.385 501.385	3 3
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by another person Trapping fur-bearing mammals during the closed season Trapping birds of prey or raptors without a permit or by unlawful	501.385 501.385 503.454	3 3 3 6
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by another person Trapping fur-bearing mammals during the closed season Trapping birds of prey or raptors	501.385 501.385 503.454	3 3
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by another person Trapping fur-bearing mammals during the closed season. Trapping birds of prey or raptors without a permit or by unlawful means.	501.385 501.385 503.454	3 3 3
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by another person Trapping fur-bearing mammals during the closed season Trapping birds of prey or raptors without a permit or by unlawful	501.385 501.385 503.454	3 3 3 6
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by another person Trapping fur-bearing mammals during the closed season. Trapping birds of prey or raptors without a permit or by unlawful means.		3 3 3 6
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by another person Trapping fur-bearing mammals during the closed season Trapping birds of prey or raptors without a permit or by unlawful means LICENSES	501.385 501.385 503.454 503.440 503.582	3 3 3 6
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by another person Trapping fur-bearing mammals during the closed season. Trapping birds of prey or raptors without a permit or by unlawful means.		3 3 3 6
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by another person Trapping fur-bearing mammals during the closed season Trapping birds of prey or raptors without a permit or by unlawful means LICENSES	501.385 501.385 503.454 503.440 503.582	3 3 3 6
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by another person Trapping fur-bearing mammals during the closed season Trapping birds of prey or raptors without a permit or by unlawful means LICENSES Classification of Violations Refusing to exhibit a license, wildlife,	501.385 501.385 503.454 503.440 503.582	3 3 3 6
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by another person Trapping fur-bearing mammals during the closed season Trapping birds of prey or raptors without a permit or by unlawful means LICENSES Classification of Violations Refusing to exhibit a license, wildlife, weapon, ammunition, device or	501.385 501.385 503.454 503.440 503.582 503.582	3 3 6 6
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait Trapping in a closed area Unlawfully removing or disturbing a trap lawfully being used by another person Trapping fur-bearing mammals during the closed season Trapping birds of prey or raptors without a permit or by unlawful means LICENSES Classification of Violations Refusing to exhibit a license, wildlife,	501.385 501.385 503.454 503.440 503.582 503.582	3 3 3 6

license Fishing without having procured a	502.010	(
Fishing without having procured a		
license	502.010	ϵ
license		
possession	502.120	6
Fishing without a license in		
possession	502.120	6
Furnishing false information to		
obtain a license	502.060	6
Furnishing of false information by a		
person serving in the Armed		
Forces of the United States to		
obtain a license	502.290	6
Unlawfully transferring a license to		
another person	502.100	6
Unlawfully using a license of another		
person	502.100	6
personObtaining more than one license of		
each class	502.110	6
Altering a license	502.105	6
Practicing falconry without a license	503.583	6
Operating as a fur dealer without a		
license	505.010	6
Trapping without having procured a		
license	502.010	6
Taking fur-bearing mammals,		
trapping unprotected mammals or		
selling raw furs for profit without		
having procured a license	503.454	6
Trapping without a license in		
possession	502.120	6
Hunting, fishing or trapping using a		
license that is invalid by reason of		
expiration or a false statement		
made to obtain the license	502.060	3
Operating a shooting preserve		
without a license	504.310	6
Performing taxidermal services without a license		
without a license	502.370	6
Obtaining a hunting license without		
obtaining certification as a		
responsible hunter	502.360	6

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:

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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.

 $\frac{12-1}{4}$. If a person accumulates 12 or more demerit points before completing a course of instruction pursuant to subsection $1 + \frac{1}{1+1} \frac{1}{2} \frac{1}{$

13.1 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 [4.1] 6, the Department shall suspend or revoke those privileges 30 days after it mails the notice.

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- Any person who receives the notice required by subsection $\frac{121}{5}$ 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.
- 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 misdemeaner may not be suspended or revoked for
- (b) Except as otherwise provided in paragraph (e) suspended or revoked for more than 10 years; or
- (e) Two or more felonies, arising from separate events, must
- 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 [2] 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:
- 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.
- 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

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violate the provisions of subsection 1. 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:

animal and the killing of the animal which was the intended target would not

(b) The animal killed was not the intended target of the person who killed the

- (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.

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.

 $\frac{5+6}{6}$. A person who violates the provisions of subsection $\frac{4+5}{6}$ is guilty of $\frac{6}{6}$

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

(b) A gross misdemeanor +

6.1 if the willful possession is of any animal specified in subsection 1 other than a mountain lion.

<u>7.</u> 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.

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.

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:
- (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. It or
 - (e) Make a written request to the Department for a hearing.

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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

If Inotified by a court within 30 days after the notice of a failure to appear

(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 **Inotify 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
- (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
- (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.
- 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:

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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 sheep, mountain goat, elk, deer, pronghorn antelope [, mountain lion] or black bear in violation of NRS 501.376, and may:
- (1) [Refuse to] Order that the Department not issue any new license to the convicted person for any period not to exceed 3 years; and
- (2) Revoke that person's privilege to apply for any big game tag for a period not to exceed 10 years.
- The court in which the conviction is had shall require the immediate surrender of all such licenses and shall forward them to the Commission.
 - **Sec. 7.** NRS 502.370 is hereby amended to read as follows:
- 502.370 1. A license to practice taxidermy is required before any person may perform taxidermal services for others on any wildlife or their parts, nests or
- Annual licenses must be issued by the Department to applicants who satisfy the requirements established by the Department and pay a fee of:

Fee to practice commercial taxidermy	\$44
Fee to practice noncommercial taxiderm	y20

- 3. Any person who wishes to obtain a license to practice taxidermy must apply for the license on an application form provided by the Department. The applicant must provide such information on the form as the Commission may require by regulation.
- The Commission may adopt regulations governing the licensing of taxidermists and the practice of taxidermy, including:
- (a) The receipt, possession, transportation, identification, purchase and sale of wildlife or parts thereof to be or which have been processed by a taxidermist;
 - (b) The maintenance and submission of written records; and
- (c) Any other matter concerning the practice, conduct and operating procedures of taxidermists as the Commission may deem necessary.
- A person who is authorized to enforce the provisions of this title may enter the facilities of a licensee at any reasonable hour and inspect the licensee's operations and records.
- If a licensee is convicted of a violation of any provision of this title or the regulations adopted by the Commission, [the Commission] a court of competent jurisdiction may [revoke] order the revocation of his or her license and [may refuse to order the Department not to issue another license to him or her for a period not to exceed 5 years.
- 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.

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- (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 licensing year, the person's application must be accompanied by a nonrefundable fee of \$50.
- 7. It is unlawful for the holder of a master guide license to operate in any area where a special use permit is required without first obtaining a permit unless the holder is employed by or providing assistance to a guide pursuant to subsection 3.
- 8. The holder of a master guide license shall maintain records of the number of hunters and anglers served, and any other information which the Department may require concerning fish and game taken by such persons. The information must be furnished to the Department on request.
- 9. If any licensee under this section, or person served by a licensee, is convicted of a violation of any provision of this title or chapter 488 of NRS, [the Commission] a court of competent jurisdiction may [revoke] order the revocation of the licensee of the licensee and may [refuse issuance of] order the Department not to issue another license to the licensee for a period not to exceed 5 years.
- 10. The Commission may adopt regulations covering the conduct and operation of a guide service.
- 11. The Department may issue master guide and subguide licenses that are valid only in certain management areas, management units or administrative regions in such a manner as may be determined by the regulations of the Commission.
 - **Sec. 12.** NRS 504.395 is hereby amended to read as follows:
- 504.395 1. Any person who purposefully or knowingly acts as a master guide or as a subguide without first obtaining a license pursuant to NRS 504.390 is guilty of:
 - (a) For a first offense, a gross misdemeanor.
- (b) For a second or subsequent offense, a category E felony and shall be punished as provided in NRS 193.130.
- 2. Any vessel, vehicle, aircraft, pack or riding animal or other equipment used by a person operating in violation of subsection 1 is subject to forfeiture upon the conviction of that person of a gross misdemeanor or felony if that person knew or should have known that the vessel, vehicle, aircraft, animal or equipment would be used in violation of subsection 1.
- 3. In addition to any penalty imposed pursuant to subsection 1, if a person is convicted of violating a provision of that subsection, [the Commission] a court of competent jurisdiction shall:
- (a) [Revoke] Order the revocation of any license, permit or privilege issued to that person pursuant to this title; and

(b) [Refuse] Order the Department not to issue any new license, permit or privilege to the person for 5 years after the date of the conviction.

Sec. 13. Any regulations adopted by the Board of Wildlife Commissioners [pursuant to NRS 501, 1814, as that section existed] on or before July 1, 2015, [related to a system of assessing demerit points for wildlife convictions] which conflict with the provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after July 1, 2015.

Sec. 14. [NRS 501. 1812, 501. 1814, 501. 1816, 501. 1817 and 501. 1818 are creby repealed.] (Deleted by amendment.)

Sec. 15. This act becomes effective on July 1, 2015.

LEADLINES OF REPEALED SECTION

- 501.1812 System of assessing demerit points for wildlife convictions:

501.1814 System of assessing demerit points for wildlife convictions: Establishment and administration of system; assessment and deletion of noints.

501.1816 System of assessing demerit points for wildlife convictions: Reduction of accumulated points; suspension or revocation of licenses, permits or privileges.

501.1817 System of assessing demerit points for wildlife convictions: Judicial review of suspension or revocation of license, permit or privilege.

— 501.1818 System of assessing demerit points for wildlife convictions: Regulations.]