

HOUSE BILL No. 1878

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-22.

Synopsis: Wildlife violator compact. Adopts the wildlife violator compact. Provides that a person may have a license to take a wild animal revoked for violating wildlife law while in another jurisdiction that has adopted the wildlife violator compact. Provides that wildlife officers must issue citations to state residents and wildlife violator compact jurisdiction residents in the same manner. Provides for membership on the board of compact administrators.

Effective: July 1, 1999.

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January 26, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1878

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-22-11-15 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. (a) Each license
3 and permit issued under this article is issued upon the express
4 condition, to which the licensee or permittee by acceptance of the
5 license or permit is considered to agree and consent, that the licensee
6 or permittee will obey and comply with the following:
- 7 (1) All the terms, conditions, and rules:
 - 8 (A) made by the director under this article; and
 - 9 (B) incorporated in or attached to the license or permit when
 - 10 issued.
 - 11 (2) This article.
 - 12 (3) **A wildlife law (as defined by IC 14-22-41-4(r)) while the**
13 **licensee is in another jurisdiction that has adopted the wildlife**
14 **violator compact (IC 14-22-41).**
 - 15 (b) A license or permit may be revoked by the director at any time
16 without refund for any of the following:
 - 17 (1) Failure to comply with or violation of the terms, conditions,



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1 rules, or restrictions incorporated in or attached to the license or
2 permit when issued.

3 (2) Violation of this article.

4 **(3) Violation of a wildlife law (as defined by IC 14-22-41-4(r))**
5 **while the licensee is in another jurisdiction that has adopted**
6 **the wildlife violator compact (IC 14-22-41).**

7 (c) A person whose license or permit has been revoked by the
8 director under this article may, by written request to the director, have
9 a hearing on the revocation. Upon receipt of written request for a
10 hearing on the revocation, the director shall do the following:

11 (1) Set a date for the hearing, which may not be more than fifteen
12 (15) days from the date of receipt of the request.

13 (2) Give the person requesting the hearing at least five (5) days
14 notice of the date of the hearing, which shall be held in the office
15 of the director.

16 (3) Receive and keep a record of all evidence presented by the
17 person.

18 (4) After considering the evidence presented at the hearing,
19 rescind or affirm the order revoking the license or permit.

20 (d) Every court having jurisdiction of an offense committed in
21 violation of an Indiana law for the protection of wildlife may, at the
22 court's discretion, revoke the license of the offender for any of the
23 following periods:

24 (1) Thirty (30) days.

25 (2) Sixty (60) days.

26 (3) Ninety (90) days.

27 (4) One (1) year.

28 (e) After a revocation, the court shall forward to the division a
29 record of the conviction of the person in the court for a violation of the
30 law. At the time of the conviction, the court shall do the following:

31 (1) Obtain the license certificate of the defendant.

32 (2) Return the license certificate to the division.

33 SECTION 2. IC 14-22-41 IS ADDED TO THE INDIANA CODE
34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 1999]:

36 **Chapter 41. Wildlife Violator Compact**

37 **Sec. 1. This compact may be referred to as the wildlife violator**
38 **compact.**

39 **Sec. 2. Indiana adopts the wildlife violator compact with all**
40 **other states that legally join in the compact in a form substantially**
41 **the same as this chapter.**

42 **Sec. 3. ARTICLE I**



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1 (a) The participating states find the following:

2 (1) Wildlife resources are managed in trust by the respective
3 states for the benefit of all residents and visitors.

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

8 (3) The preservation, protection, management, and
9 restoration of wildlife contributes immeasurably to the
10 aesthetic, recreational, and economic aspects of wildlife
11 natural resources.

12 (4) Wildlife resources are valuable without regard to political
13 boundaries; therefore, every person should be required to
14 comply with wildlife preservation, protection, management,
15 and restoration laws, ordinances, and administrative rules
16 and regulations of the participating states as a condition
17 precedent to the continuance or issuance of any license to
18 hunt, fish, trap, or possess wildlife.

19 (5) Violation of wildlife laws interferes with the management
20 of wildlife resources and may endanger the safety of persons
21 and property.

22 (6) The mobility of many wildlife law violators necessitates the
23 maintenance of channels of communication among the various
24 states.

25 (7) In some states, a person who is cited for a wildlife violation
26 in a state other than the person's home state:

27 (A) is required to post collateral or a bond to secure
28 appearance for a trial at a later date;

29 (B) is taken into custody until the collateral or bond is
30 posted; or

31 (C) is taken directly to court for an immediate appearance.

32 (8) The purpose of the enforcement practices set forth in
33 subdivision (7) is to ensure compliance with the terms of a
34 wildlife citation by the cited person who, if permitted to
35 continue on the person's way after receiving the citation,
36 could return to the person's home state and disregard the
37 person's duty under the terms of the citation.

38 (9) In most instances, a person receiving a wildlife citation in
39 the person's home state is permitted to accept the citation
40 from the officer at the scene of the violation and immediately
41 continue on the person's way after agreeing or being
42 instructed to comply with the terms of the citation.

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1 **(10) The practices described in subdivision (7) cause**
2 **unnecessary inconvenience and, at times, a hardship for the**
3 **person who is unable at the time to post collateral, furnish a**
4 **bond, stand trial, or pay a fine, and thus is compelled to**
5 **remain in custody until some alternative arrangement is**
6 **made.**

7 **(11) The enforcement practices described in subdivision (7)**
8 **consume an undue amount of law enforcement time.**

9 **(b) It is the policy of the participating states to do the following:**

10 **(1) Promote compliance with the statutes, laws, ordinances,**
11 **regulations, and administrative rules relating to management**
12 **of wildlife resources in their respective states.**

13 **(2) Recognize the suspension of wildlife license privileges of**
14 **any person whose license privileges have been suspended by**
15 **a participating state and treat the suspension as if it had**
16 **occurred in their state provided the violation that resulted in**
17 **the suspension could have been the basis for suspension in**
18 **their state.**

19 **(3) Allow a violator, except as provided in section 5(b) of this**
20 **chapter, to accept a wildlife citation and, without delay,**
21 **proceed on the person's way, whether or not a resident of the**
22 **state in which the citation was issued, provided that the**
23 **violator's home state is party to this compact.**

24 **(4) Report to the appropriate participating state, as provided**
25 **in the compact manual, any conviction recorded against any**
26 **person whose home state was not the issuing state.**

27 **(5) Allow the home state to recognize and treat convictions**
28 **recorded against the home state's residents that occurred in**
29 **a participating state as though the convictions had occurred**
30 **in the home state.**

31 **(6) Extend cooperation to its fullest extent among the**
32 **participating states for enforcing compliance with the terms**
33 **of a wildlife citation issued in a participating state to a**
34 **resident of another participating state.**

35 **(7) Maximize effective use of law enforcement personnel and**
36 **information.**

37 **(8) Assist court systems in the efficient disposition of wildlife**
38 **violations.**

39 **(c) The purpose of this compact is to do the following:**

40 **(1) Provide a means through which a participating state may**
41 **join in a reciprocal program to effectuate the policies**
42 **enumerated in subsection (b) in a uniform and orderly**

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1 manner.

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

6 **Sec. 4. ARTICLE II**

7 (a) "Citation" means any summons, complaint, summons and
8 complaint, ticket, penalty assessment, or other official document
9 issued to a person by a wildlife officer or other law enforcement
10 officer for a wildlife violation that contains an order requiring the
11 person to respond.

12 (b) "Collateral" means cash or other security deposited to
13 secure an appearance for trial in connection with the issuance by
14 a wildlife officer or other law enforcement officer of a citation for
15 a wildlife violation.

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

19 (d) "Conviction" means a conviction, including any court
20 conviction, for any offense related to the preservation, protection,
21 management, or restoration of wildlife that is prohibited by state
22 statute, law, regulation, ordinance, or administrative rule. The
23 term includes the forfeiture of any bail, bond, or other security
24 deposited to secure appearance by a person charged with having
25 committed any such offense, the payment of a penalty assessment,
26 a plea of nolo contendere, and the imposition of a deferred or
27 suspended sentence by the court.

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

30 (f) "Home state" means the state of primary residence of a
31 person.

32 (g) "Issuing state" means the participating state that issues a
33 wildlife citation to the violator.

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

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

42 (j) "Participating state" means any state that enacts legislation



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1 to become a member of the wildlife violator compact.

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

5 (l) "State" means any state, territory or possession of the United
6 States, the District of Columbia, the Commonwealth of Puerto
7 Rico, the provinces of Canada, and other countries.

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

11 (n) "Terms of the citation" means those conditions and options
12 expressly stated upon the citation.

13 (o) "Wildlife" means all species of animals including mammals,
14 birds, fish, reptiles, amphibians, mollusks, and crustaceans that are
15 defined as "wildlife" and are protected or otherwise regulated by
16 statute, law, regulation, ordinance, or administrative rule in a
17 participating state. Species included in the definition of wildlife
18 vary from state to state and determination of whether a species is
19 wildlife for the purposes of this compact is based on local law.

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

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

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

28 (s) Unless the context requires otherwise, the definitions of this
29 section apply throughout the chapter.

30 **Sec. 5. ARTICLE III**

31 (a) When issuing a citation for a wildlife violation, a wildlife
32 officer shall issue a citation to any person whose primary residence
33 is in a participating state in the same manner as the officer would
34 issue a citation to a resident of the issuing state and may not
35 require the person to post collateral to secure appearance, subject
36 to the exception in subsection (b), if the officer receives the
37 recognizance of the person that the person will comply with the
38 terms of the citation.

39 (b) Personal recognizance is acceptable if:

- 40 (1) not prohibited by local law or the compact manual; and
41 (2) the violator provides adequate proof of identification to
42 the wildlife officer.

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1 (c) Upon conviction or failure of a person to comply with the
2 terms of a wildlife citation, the appropriate official shall report the
3 conviction or failure to comply to the licensing authority of the
4 participating state in which the wildlife citation was issued. The
5 report must be made in accordance with procedures specified by
6 the issuing state.

7 (d) Upon receipt of the report of conviction or noncompliance
8 under subsection (c), the licensing authority of the issuing state
9 shall transmit to the licensing authority of the home state of the
10 violator the information in the form and content prescribed in the
11 compact manual.

12 **Sec. 6. ARTICLE IV**

13 (a) Upon receipt of a report from the licensing authority of the
14 issuing state reporting the failure of a violator to comply with the
15 terms of a citation, the licensing authority of the home state shall:

- 16 (1) notify the violator;
17 (2) initiate a suspension action in accordance with the home
18 state's suspension procedures; and
19 (3) suspend the violator's license privileges until satisfactory
20 evidence of compliance with the terms of the wildlife citation
21 has been furnished by the issuing state to the home state
22 licensing authority.

23 **Due process safeguards must be accorded.**

24 (b) Upon receipt of a report of conviction from the licensing
25 authority of the issuing state, the licensing authority of the home
26 state shall enter the conviction in its records and treat the
27 conviction as though it occurred in the home state for the purposes
28 of the suspension of license privileges.

29 (c) The licensing authority of the home state shall maintain a
30 record of actions taken and make reports to issuing states.

31 **Sec. 7. ARTICLE V**

32 (a) Each participating state shall recognize the suspension of
33 license privileges of any person by any participating state as
34 though the violation resulting in the suspension had occurred in
35 their state and could have been the basis for suspension of license
36 privileges in their state.

37 (b) Each participating state shall communicate suspension
38 information to other participating states in form and content as
39 contained in the compact manual.

40 **Sec. 8. ARTICLE VI**

41 **Except as expressly required by provisions of this compact,**
42 **nothing in this compact affects the right of any participating state**

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1 to apply any of its laws relating to license privileges to any person
2 or circumstance or to invalidate or prevent any agreement or other
3 cooperative arrangement between a participating state and a
4 nonparticipating state concerning wildlife law enforcement.

5 **Sec. 9. ARTICLE VII**

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

21 (b) Each member of the board of compact administrators is
22 entitled to one (1) vote. An action of the board is not binding unless
23 taken at a meeting at which a majority of the total number of the
24 board's votes are cast in favor of the action. Action by the board
25 must be at a meeting at which a majority of the participating states
26 are represented.

27 (c) The board shall elect annually from its membership a chair
28 and vice chair.

29 (d) The board shall adopt bylaws consistent with the provisions
30 of this compact or the laws of a participating state for the conduct
31 of its business and shall have the power to amend and rescind its
32 bylaws.

33 (e) The board may accept for any of its purposes and functions
34 under this compact any and all donations and grants of money,
35 equipment, supplies, materials, and services conditional or
36 otherwise, from any state, the United States, or any governmental
37 agency, and may receive, use, and dispose of the same.

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

42 (g) The board shall formulate all necessary procedures and



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1 develop uniform forms and documents for administering the
 2 provisions of this compact. All procedures and forms adopted
 3 under board action must be contained in a compact manual.

4 **Sec. 10. ARTICLE VIII**

5 (a) This compact becomes effective when it is adopted in a
 6 substantially similar form by two (2) or more states.

7 (b) Entry into the compact must be made by resolution of
 8 ratification executed by the authorized officials of the applying
 9 state and submitted to the chair of the board. The resolution must
 10 substantially be in the form and content as provided in the compact
 11 manual and include the following:

12 (1) A citation of the authority from which the state is
 13 empowered to become a party to this compact.

14 (2) An agreement of compliance with the terms and provisions
 15 of this compact.

16 The effective date of entry shall be specified by the applying state
 17 but may not be less than sixty (60) days after notice has been given
 18 by the chair of the board of the compact administrators or by the
 19 secretary of the board to each participating state that the
 20 resolution from the applying state has been received.

21 (c) A participating state may withdraw from participation in
 22 this compact by official written notice to each participating state,
 23 but withdrawal is not effective until ninety (90) days after the
 24 notice of withdrawal is given. The notice must be directed to the
 25 compact administrator of each member state. No withdrawal of
 26 any state shall affect the validity of this compact as to the
 27 remaining participating states.

28 **Sec. 11. ARTICLE IX**

29 (a) This compact may be amended from time to time.
 30 Amendments must be presented in resolution form to the chair of
 31 the board of compact administrators and be initiated by one (1) or
 32 more participating states.

33 (b) Adoption of an amendment requires endorsement by all
 34 participating states and becomes effective thirty (30) days after the
 35 date of the last endorsement.

36 **Sec. 12. ARTICLE X**

37 This compact shall be liberally construed so as to effectuate the
 38 purposes stated herein. The provisions of this compact shall be
 39 severable and if any phrase, clause, sentence, or provision of this
 40 compact is declared to be contrary to the constitution of any
 41 participating state or of the United States, or the applicability
 42 thereof to any government, agency, individual, or circumstance is



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1 **held invalid, the validity of the remainder of this compact shall not**
2 **be affected by the declaration. If this compact is held contrary to**
3 **the constitution of any participating state, the compact shall**
4 **remain in full force and effect as to the remaining states and in full**
5 **force and effect as to the participating state affected as to all**
6 **severable matters.**

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