

## **ADDITIONAL PENALTIES FOR DEER POACHING AND RECREATIONAL TRESPASS**

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**Senate Bill 171 and 172**

**Sponsor: Sen. Phil Pavlov**

**House Committee: Natural Resources**

**Senate Committee: Outdoor Recreation and Tourism**

**Complete to 5-21-13**

### **A SUMMARY OF SENATE BILLS 171 & 172 AS PASSED BY THE SENATE 3-14-13**

Senate Bill 171 would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to establish additional restitution value that must be paid by individuals who are convicted of the illegal killing, possessing, purchasing, or selling of an antlered white-tailed deer with a gross score of more than 100 inches.

Currently, individuals convicted of the illegal killing, possessing, purchasing, or selling of game or protected animals are required to reimburse the state for the value of the game, as specified in the act. The bill would require that an additional restitution payment be made by individuals convicted of the illegal killing, possessing, purchasing, or selling of an antlered white-tailed deer with a gross score of more than 100 inches. The additional restitution payment would be calculated as follows:  
[(gross score-100)<sup>2</sup> x \$1.65]

In addition to the other restitution payment, individuals convicted of the illegal killing, possessing, purchasing, or selling of an antlered white-tailed deer with a gross score of more than 100 inches could not obtain or possess a hunting license of any kind for an additional two calendar years for a first offense, and an additional seven calendar years for a second of subsequent offense.

The bill also establishes the procedure for taking measures and says that the measurements can be taken at any time.

Senate Bill 172 would amend Part 731 (Recreational Trespass) to increase (1) the amount of damages a property owner could recover in an action against a trespasser and (2) the fine amount that can be imposed on a person found in violation of Part 731.

Currently, under Part 731, the owner of property on which a violation occurs can bring an action against the violator for the greater of actual property damage or \$250, and actual and reasonable attorney fees. The bill would increase it to the greater of the actual property damage or \$750, and actual and reasonable attorney fees.

An individual found in violation of Part 731 is guilty of a misdemeanor punishable by imprisonment for up to 90 days and/or a fine between \$100 and \$500. The bill would increase the minimum and maximum fine amounts to \$250 and \$750.

The penalty for a second or subsequent violation of Part 731 within three years of a previous violation is imprisonment for up to 90 days and/or a fine between \$100 and \$1,000. The bill would increase the minimum fine to \$500 and the maximum fine to \$1,500.

Senate Bill 171 and 172 are tie-barred to each other.

**FISCAL IMPACT:**

A fiscal analysis is in process. Among other things, the bill increases misdemeanor penalties; the fines go to public libraries.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.