

**SENATE BILL NO. 162**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Introduced: 3/23/01**

**Referred: Resources, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the Wildlife Violator Compact."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **\* Section 1.** AS 16.45 is amended by adding a new section to read:

4 **Article 2. Wildlife Law Violator Compact.**

5 **Sec. 16.45.050. Wildlife Violator Compact.** The Wildlife Violator Compact  
6 is hereby established in the form substantially as follows, and the commissioner of fish  
7 and game is authorized to enter into the compact on behalf of the state with all other  
8 jurisdictions legally joining therein:

9 **ARTICLE I. FINDINGS, DECLARATION OF POLICY, AND PURPOSE.**

10 (a) The party states find that:

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

13 (2) The protection of their respective wildlife resources can be  
14 materially affected by the degree of compliance with state statute, law, regulation,  
15 ordinance, or administrative rule relating to the management of those resources.

1                   (3) The preservation, protection, management, and restoration of  
2 wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects  
3 of these natural resources.

4                   (4) Wildlife resources are valuable without regard to political  
5 boundaries, therefore, all persons should be required to comply with wildlife  
6 preservation, protection, management, and restoration laws, ordinances, and  
7 administrative rules and regulations of all party states as a condition precedent to the  
8 continuance or issuance of any license to hunt, fish, trap, or possess wildlife.

9                   (5) Violation of wildlife laws interferes with the management of  
10 wildlife resources and may endanger the safety of persons and property.

11                   (6) The mobility of many wildlife law violators necessitates the  
12 maintenance of channels of communications among the various states.

13                   (7) In most instances, a person who is cited for a wildlife violation in a  
14 state other than the person's home state:

15                                 (A) Must post collateral or bond to secure appearance for a trial  
16 at a later date; or

17                                 (B) If unable to post collateral or bond, is taken into custody  
18 until the collateral or bond is posted; or

19                                 (C) Is taken directly to court for an immediate appearance.

20                   (8) The purpose of the enforcement practices described in paragraph  
21 (7) of this subdivision is to ensure compliance with the terms of a wildlife citation by  
22 the person who, if permitted to continue on the person's way after receiving the  
23 citation, could return to the person's home state and disregard the person's duty under  
24 the terms of the citation.

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

29                   (10) The practice described in paragraph (7) of this subdivision causes  
30 unnecessary inconvenience and, at times, a hardship for the person who is unable at  
31 the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is

1 compelled to remain in custody until some alternative arrangement can be made.

2 (11) The enforcement practices described in paragraph (7) of this  
3 subdivision consume an undue amount of law enforcement time.

4 (b) It is the policy of the party states to:

5 (1) Promote compliance with the statutes, laws, ordinances,  
6 regulations, and administrative rules relating to management of wildlife resources in  
7 their respective states.

8 (2) Recognize the suspension of wildlife license privileges of any  
9 person whose license privileges have been suspended by a party state and treat this  
10 suspension as if it had occurred in their state.

11 (3) Allow violators to accept a wildlife citation, except as provided in  
12 subdivision (b) of Article III, and proceed on the violator's way without delay whether  
13 or not the person is a resident in the state in which the citation was issued, provided  
14 that the violator's home state is party to this compact.

15 (4) Report to the appropriate party state, as provided in the compact  
16 manual, any conviction recorded against any person whose home state was not the  
17 issuing state.

18 (5) Allow the home state to recognize and treat convictions recorded  
19 for their residents which occurred in another party state as if they had occurred in the  
20 home state.

21 (6) Extend cooperation to its fullest extent among the party states for  
22 obtaining compliance with the terms of a wildlife citation issued in one party state to a  
23 resident of another party state.

24 (7) Maximize effective use of law enforcement personnel and  
25 information.

26 (8) Assist court systems in the efficient disposition of wildlife  
27 violations.

28 (c) The purpose of this compact is to:

29 (1) Provide a means through which the party states may participate in a  
30 reciprocal program to effectuate policies enumerated in subdivision (b) of this article  
31 in a uniform and orderly manner.

1 (2) Provide for the fair and impartial treatment of wildlife violators  
 2 operating within party states in recognition of the person's right of due process and the  
 3 sovereign status of a party state.

4 ARTICLE II. DEFINITIONS.

5 Unless the context requires otherwise, the definitions in this article apply  
 6 through this compact and are intended only for the implementation of this compact:

7 (a) "Citation" means any summons, complaint, ticket, penalty assessment, or  
 8 other official document issued by a wildlife officer or other peace officer for a wildlife  
 9 violation containing an order which requires the person to respond.

10 (b) "Collateral" means any cash or other security deposited to secure an  
 11 appearance for trial, in connection with the issuance by a wildlife officer or other  
 12 peace officer of a citation for a wildlife violation.

13 (c) "Compliance" with respect to a citation means the act of answering the  
 14 citation through appearance at a court, a tribunal, or payment of fines, costs, and  
 15 surcharges, if any, or both such appearance and payment.

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

23 (e) "Court" means a court of law, including Magistrate's Court and the Justice  
 24 of the Peace Court.

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

26 (g) "Issuing state" means the party state which issues a wildlife citation to the  
 27 violator.

28 (h) "License" means any license, permit, or other public document which  
 29 conveys to the person to whom it was issued the privilege of pursuing, possessing, or  
 30 taking any wildlife regulated by statute, law, regulation, ordinance, or administrative  
 31 rule of a party state.

1 (i) "Licensing authority" means the department or division within each party  
2 state which is authorized by law to issue or approve licenses or permits to hunt, fish,  
3 trap, or possess wildlife.

4 (j) "Party state" means any state which enacts legislation to become a member  
5 of this wildlife compact.

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

9 (l) "State" means any state, territory, or possession of the United States, the  
10 District of Columbia, Commonwealth of Puerto Rico, Provinces of Canada, or other  
11 countries.

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

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

17 (o) "Wildlife" means all species of animals, including but not necessarily  
18 limited to mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans,  
19 which are defined as "wildlife" and are protected or otherwise regulated by statute,  
20 law, regulation, ordinance, or administrative rule in a party state. "Wildlife" also  
21 means food fish and shellfish as defined by statute, law, regulation, ordinance, or  
22 administrative rule in a party state. Species included in the definition of "wildlife"  
23 vary from state to state and determination of whether a species is "wildlife" for the  
24 purposes of this compact shall be based on local law.

25 (p) "Wildlife law" means any statute, law, regulation, ordinance, or  
26 administrative rule developed and enacted to manage wildlife resources and the use  
27 thereof.

28 (q) "Wildlife officer" means any individual authorized by a party state to issue  
29 a citation for a wildlife violation.

30 (r) "Wildlife violation" means any cited violation of a statute, law, regulation,  
31 ordinance, or administrative rule developed and enacted to manage wildlife resources

1 and the use thereof.

2 ARTICLE III. PROCEDURES FOR ISSUING STATE.

3 (a) When issuing a citation for a wildlife violation, a wildlife officer shall  
4 issue a citation to any person whose primary residence is in a party state in the same  
5 manner as if the person were a resident of the home state and shall not require the  
6 person to post collateral to secure appearance, subject to the exceptions contained in  
7 subdivision (b) of this article, if the officer receives the person's personal recognizance  
8 that the person will comply with the terms of the citation.

9 (b) Personal recognizance is acceptable:

10 (1) If not prohibited by local law or the compact manual; and

11 (2) If the violator provides adequate proof of the violator's  
12 identification to the wildlife officer.

13 (c) Upon conviction or failure of a person to comply with the terms of a  
14 wildlife citation, the appropriate official shall report the conviction or failure to  
15 comply to the licensing authority of the party state in which the wildlife citation was  
16 issued. The report shall be made in accordance with procedures specified by the  
17 issuing state and shall contain the information specified in the compact manual as  
18 minimum requirements for effective processing by the home state.

19 (d) Upon receipt of the report of conviction or noncompliance required by  
20 subdivision (c) of this article, the licensing authority of the issuing state shall transmit  
21 to the licensing authority in the home state of the violator the information in a form  
22 and content as contained in the compact manual.

23 ARTICLE IV. PROCEDURES FOR HOME STATE.

24 (a) Upon receipt of a report of failure to comply with the terms of a citation  
25 from the licensing authority of the issuing state, the licensing authority of the home  
26 state shall notify the violator, shall initiate a suspension action in accordance with the  
27 home state's suspension procedures and shall suspend the violator's license privileges  
28 until satisfactory evidence of compliance with the terms of the wildlife citation has  
29 been furnished by the issuing state to the home state licensing authority. Due process  
30 safeguards will be accorded.

31 (b) Upon receipt of a report of conviction from the licensing authority of the

1 issuing state, the licensing authority of the home state shall enter such conviction in its  
 2 records and shall treat such conviction as if it occurred in the home state for the  
 3 purposes of the suspension of license privileges.

4 (c) The licensing authority of the home state shall maintain a record of actions  
 5 taken and make reports to issuing states as provided in the compact manual.

6 ARTICLE V. RECIPROCAL RECOGNITION OF SUSPENSION.

7 All party states shall recognize the suspension of license privileges of any  
 8 person by any state as if the violation on which the suspension is based had in fact  
 9 occurred in their state and could have been the basis for suspension of license  
 10 privileges in their state.

11 ARTICLE VI. APPLICABILITY OF OTHER LAWS.

12 Except as expressly required by provisions of this compact, nothing herein  
 13 shall be construed to affect the right of any party state to apply any of its laws relating  
 14 to license privileges to any person or circumstance, or to invalidate or prevent any  
 15 agreement or other cooperative arrangements between a party state and a nonparty  
 16 state concerning wildlife law enforcement.

17 ARTICLE VII. COMPACT ADMINISTRATOR PROCEDURES.

18 (a) For the purpose of administering the provisions of this compact and to  
 19 serve as a governing body for the resolution of all matters relating to the operation of  
 20 this compact, a board of compact administrators is established. The board shall be  
 21 composed of one representative from each of the party states to be known as the  
 22 compact administrator. The compact administrator shall be appointed by the head of  
 23 the licensing authority of each party state and will serve and be subject to removal in  
 24 accordance with the laws of the state the administrator represents. A compact  
 25 administrator may provide for the discharge of the administrator's duties and the  
 26 performance of the administrator's functions as a board member by an alternate. An  
 27 alternate may not be entitled to serve unless written notification of the alternate's  
 28 identity has been given to the board.

29 (b) Each member of the board of compact administrators shall be entitled to  
 30 one vote. No action of the board shall be binding unless taken at a meeting at which a  
 31 majority of the total number of votes on the board are cast in favor thereof. Action by

1 the board shall be only at a meeting at which a majority of the party states are  
2 represented.

3 (c) The board shall elect annually, from its membership, a chairperson and  
4 vice-chairperson.

5 (d) The board shall adopt bylaws, not inconsistent with the provisions of this  
6 compact or the laws of a party state, for the conduct of its business and shall have the  
7 power to amend and rescind its bylaws.

8 (e) The board may accept for any of its purposes and functions under this  
9 compact all donations and grants of money, equipment, supplies, materials, and  
10 services, conditional or otherwise, from any state, the United States, or any  
11 governmental agency, and may receive, utilize, and dispose of the same.

12 (f) The board may contract with or accept services or personnel from any  
13 governmental or intergovernmental agency, individual, firm, corporation, or any  
14 private nonprofit organization or institution.

15 (g) The board shall formulate all necessary procedures and develop uniform  
16 forms and documents for administering the provisions of this compact. All procedures  
17 and forms adopted pursuant to board action shall be contained in the compact manual.

#### 18 ARTICLE VIII. ENTRY INTO COMPACT AND WITHDRAWAL.

19 (a) This compact shall become effective when it has been adopted by at least  
20 two states.

21 (b) (1) Entry into the compact shall be made by resolution of ratification  
22 executed by the authorized officials of the applying state and submitted to the  
23 chairperson of the board.

24 (2) The resolution shall be in a form and content as provided in the  
25 compact manual and shall include statements that in substance are as follows:

26 (A) A citation of the authority by which the state is empowered  
27 to become a party to this compact;

28 (B) Agreement to comply with the terms and provisions of the  
29 compact; and

30 (C) That compact entry is with all states then party to the  
31 compact and with any state that legally becomes a party to the compact.

1                   (3) The effective date of entry shall be specified by the applying state,  
2 but shall not be less than 60 days after notice has been given by the chairperson of the  
3 board of compact administrators or by the secretariat of the board to each party state  
4 that the resolution from the applying state has been received.

5                   (c) A party state may withdraw from this compact by official written notice to  
6 the other party states, but a withdrawal shall not take effect until 90 days after notice  
7 of withdrawal is given. The notice shall be directed to the compact administrator of  
8 each member state. No withdrawal shall affect the validity of this compact as to the  
9 remaining party states.

10                   ARTICLE IX. AMENDMENTS TO THE COMPACT.

11                   (a) This compact may be amended from time to time. Amendments shall be  
12 presented in resolution form to the chairperson of the board of compact administrators  
13 and may be initiated by one or more party states.

14                   (b) Adoption of an amendment shall require endorsement by all party states  
15 and shall become effective 30 days after the date of the last endorsement.

16                   (c) Failure of a party state to respond to the compact chairperson within 120  
17 days after receipt of the proposed amendment shall constitute endorsement.

18                   ARTICLE X. CONSTRUCTION AND SEVERABILITY.

19                   This compact shall be liberally construed so as to effectuate the purposes stated  
20 herein. The provisions of this compact shall be severable and if any phrase, clause,  
21 sentence, or provision of this compact is declared to be contrary to the constitution of  
22 any party state or of the United States or the applicability thereof to any government,  
23 agency, individual, or circumstance is held invalid, the compact shall not be affected  
24 thereby. If this compact shall be held contrary to the constitution of any party state  
25 thereto, the compact shall remain in full force and effect as to the remaining states and  
26 in full force and effect as to the state affected as to all severable matters.

27                   ARTICLE XI. TITLE.

28                   This compact shall be known as the Wildlife Violator Compact.