

HOUSE BILL NO. 267

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

BY REPRESENTATIVES JOHNSON, Dahlstrom, Wilson, Buch, Chenault, Ramras, Fairclough

Introduced: 1/15/08

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to authorizing the state to join with other states entering into the
2 Wildlife Violator Compact and authorizing the compact to supersede existing statutes
3 by approving standards, rules, or other action under the terms of the compact; and
4 directing the initiation of civil actions to revoke appropriate licenses in this state based
5 on a resident licensee's violation of or failure to comply with the terms of a wildlife
6 resource citation issued in another state that is a party to the compact."

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

8 * **Section 1.** AS 16.05 is amended by adding a new section to read:

9 **Sec. 16.05.332. Wildlife Violator Compact.** The Wildlife Violator Compact
10 as contained in this section is enacted into law and entered into on behalf of the State
11 of Alaska with any other states legally joining it in a form substantially as follows:

12 **ARTICLE I**

13 **FINDINGS, DECLARATION OF POLICY, AND PURPOSES**

1 Section 1. Findings. The party states find that

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

4 (b) The protection of their respective wildlife resources are materially affected
5 by the degree of compliance with state statute, regulation, ordinance, or administrative
6 rule relating to the management of those resources.

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

10 (d) Wildlife resources are valuable without regard to political boundaries and,
11 therefore, all persons must be required to comply with wildlife preservation,
12 protection, management, and restoration statutes, ordinances, and administrative rules
13 and regulations of all party states as a condition precedent to the continuance or
14 issuance of any license to hunt, fish, trap, or possess wildlife.

15 (e) The violation of wildlife laws interferes with the management of wildlife
16 resources and may endanger the safety of persons and property.

17 (f) The mobility of many wildlife law violators necessitates the maintenance
18 of channels of communications among the various states.

19 (g) In most instances, a person who is cited for a wildlife violation in a state
20 other than the person's home state

21 (1) must post collateral or a bond to secure the person's appearance for
22 a trial at a later date;

23 (2) if unable to post collateral or a bond, is taken into custody until the
24 collateral or bond is posted; or

25 (3) is taken directly to court for an immediate appearance.

26 (h) The purpose of the enforcement practices described in (g) of this section is
27 to ensure compliance with the terms of a wildlife citation by the person who, if
28 permitted to continue on the person's way after receiving the citation, could return to
29 the person's home state and disregard the person's duty under the terms of the citation.

30 (i) In most instances, a person receiving a wildlife citation in the person's
31 home state is permitted to accept the citation from the officer at the scene of the

1 violation and continue immediately on the person's way after agreeing to comply with
2 the terms of the citation.

3 (j) The practice described in (g) of this section causes unnecessary
4 inconvenience and, at times, a hardship for the person who is unable at the time to post
5 collateral, furnish a bond, stand trial, or pay a fine and, therefore, is compelled to
6 remain in custody until another arrangement is made.

7 (k) The enforcement practices described in (g) of this section consume an
8 undue amount of law enforcement time.

9 Sec. 2. Policies. The policies of the party states are to

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

13 (b) Recognize the suspension of wildlife license privileges of any person
14 whose license privileges have been suspended by a party state and treat the suspension
15 as if it had occurred in their state.

16 (c) Allow a violator to accept a wildlife citation, except as provided in
17 subsection (b) of article III, and proceed on the person's way without delay whether or
18 not the person is a resident in the state in which the citation was issued if the person's
19 home state is a party to this compact.

20 (d) Report to the appropriate party state, as provided in the compact manual,
21 any conviction recorded against any person whose home state was not the issuing
22 state.

23 (e) Allow the home state to recognize and treat convictions recorded for its
24 residents which occurred in another party state as if they had occurred in the home
25 state.

26 (f) Extend cooperation to its fullest extent among the party states for obtaining
27 compliance with the terms of a wildlife citation issued in one party state to a resident
28 of another party state.

29 (g) Maximize the effective use of law enforcement personnel and information.

30 (h) Assist court systems in the efficient disposition of wildlife violations.

31 Sec. 3. Purposes. The purposes of this compact are to:

1 (a) Provide a means by which the party states may participate in a reciprocal
 2 program to carry out the policies set forth in section 2 of this article in a uniform and
 3 orderly manner.

4 (b) Provide for the fair and impartial treatment of wildlife violators operating
 5 within party states in recognition of the persons' right of due process in the sovereign
 6 status of a party state.

7 ARTICLE II

8 DEFINITIONS

9 As used in this compact, unless the context otherwise requires,

10 (a) "Citation" means any summons, complaint, summons and complaint,
 11 ticket, penalty assessment or other official document issued by a wildlife officer or
 12 other peace officer for a wildlife violation containing an order that requires the person
 13 to respond.

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

17 (c) "Compliance" means the act of answering a citation by appearing in a
 18 court or tribunal or the payment of fines, costs, or surcharges, if any.

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

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

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

29 (g) "Issuing state" means the party state that issues a wildlife citation.

30 (h) "License" means any license, permit, or other public document that
 31 conveys to the person to whom it is issued the privilege of pursuing, possessing, or

1 taking any wildlife regulated by statute, regulation, ordinance, or administrative rule
2 of a party state.

3 (i) "Licensing authority" means

4 (1) in each other party state, the department or division within the party
5 state that is authorized by law to issue or approve licenses or permits to hunt, fish,
6 trap, or possess wildlife; and

7 (2) in this state, the Department of Public Safety.

8 (j) "Party state" means any state that enacts legislation to become a member of
9 this compact.

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

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

16 (m) "Suspension" means any revocation, denial, or withdrawal of any license
17 privileges, including the privilege to apply for, purchase, or exercise the benefits
18 conferred by any license.

19 (n) "Terms of the citation" means those conditions and options expressly
20 stated in the citation.

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

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

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

31 (r) "Wildlife violation" means any cited violation of statute, regulation,

1 ordinance, or administrative rule enacted to manage wildlife resources and the use
2 thereof.

3 ARTICLE III

4 PROCEDURES FOR ISSUING STATE

5 Issuing state procedures are as follows:

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

12 (b) Personal recognizance is permissible if

13 (1) it is not prohibited by local law or the compact manual; and

14 (2) the violator provides adequate proof of the violator's identity to the
15 wildlife officer.

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

22 (d) Upon the receipt of the report of conviction or noncompliance required by
23 (c) of this article, the licensing authority of the issuing state shall transmit to the
24 licensing authority in the home state of the violator the information in the manner
25 prescribed in the compact manual.

26 ARTICLE IV

27 PROCEDURES FOR HOME STATE

28 Home state procedures are as follows:

29 (a) Upon the receipt of a report of failure to comply with the terms of a
30 citation from the licensing authority of the issuing state, the licensing authority of the
31 home state shall notify the violator and begin a suspension action in accordance with

1 the home state's suspension procedures. The licensing authority of the home state shall
2 suspend the violator's license privileges until satisfactory evidence of compliance with
3 the terms of the wildlife citation has been furnished by the issuing state to the home
4 state licensing authority. Due process rights must be accorded to the violator.

5 (b) Upon the receipt of a report of conviction from the licensing authority of
6 the issuing state, the licensing authority of the home state shall enter the conviction in
7 its records and consider the conviction as if it had occurred in the home state for the
8 purposes of the suspension of license privileges.

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

11 ARTICLE V

12 RECIPROCAL RECOGNITION OF SUSPENSION

13 The party states agree that

14 (a) all party states shall recognize the suspension of license privileges of any
15 person by any state as if the violation on which the suspension is based had occurred
16 in their state and would have been the basis for suspension of license privileges in
17 their state.

18 (b) each party state shall communicate information concerning the suspension
19 of license privileges to the other party states in the manner prescribed in the compact
20 manual.

21 ARTICLE VI

22 APPLICABILITY OF OTHER LAWS

23 The party states agree that, except as expressly required by the provisions of this
24 compact, nothing included in this compact shall be construed to affect the right of any
25 party state to apply any of its laws relating to license privileges to any person or
26 circumstance or to invalidate or prevent any agreement or other cooperative
27 arrangements between a party state and a nonparty state concerning wildlife law
28 enforcement.

29 ARTICLE VII

30 COMPACT ADMINISTRATOR PROCEDURES

31 The party states agree that

1 (a) For the purpose of administering the provisions of this compact and to
2 serve as a governing body for the resolution of all matters relating to the operation of
3 this compact, a board of compact administrators is hereby established. The board must
4 be composed of one representative from each of the party states to be known as the
5 compact administrator. The compact administrator shall be appointed by the head of
6 the licensing authority of each party state and shall serve and be subject to removal in
7 accordance with the laws of the state that the compact administrator represents. A
8 compact administrator may provide for the discharge of the compact administrator's
9 duties and the performance of the compact administrator's functions as a board
10 member by an alternate. An alternate may not serve unless written notification of the
11 alternate's identity has been given to the board.

12 (b) Each member of the board of compact administrators is entitled to one
13 vote. No action of the board is binding unless taken at a meeting at which a majority
14 of the total number of votes on the board are cast in favor thereof. Action by the board
15 must be only at a meeting at which a majority of the party states are represented.

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

17 (d) The board shall adopt bylaws, not inconsistent with the provisions of this
18 compact or the laws of a party state, for the conduct of its business and may amend or
19 rescind its bylaws.

20 (e) The board may accept for any of its purposes and functions under this
21 compact any donations and grants of money, equipment, supplies, materials, and
22 services, conditional or otherwise, from any state, the United States, or any
23 governmental agency and may receive, use, and dispose of them as it deems
24 appropriate.

25 (f) The board may contract with, or accept services or personnel from, any
26 governmental or intergovernmental agency, person, firm, corporation, or private
27 nonprofit organization or institution.

28 (g) The board shall establish all necessary procedures and develop uniform
29 forms and documents for administering the provisions of this compact. All procedures
30 and forms adopted pursuant to board action must be included in the compact manual.

31 ARTICLE VIII

1 ENTRY INTO AND WITHDRAWAL FROM COMPACT

2 The party states agree that

3 (a) This compact becomes effective upon adoption by at least two states.

4 (b) Entry into the compact must be made by a resolution of ratification
5 executed by the authorized officers of the applying state and submitted to the chairman
6 of the board of compact administrators.

7 (c) The resolution must be in a form and content as provided in the compact
8 manual and include

9 (1) a citation of the authority by which the state is authorized to
10 become a party to this compact;

11 (2) an agreement to comply with the terms and provisions of the
12 compact; and

13 (3) a statement that entry into the compact is with all states then party
14 to the compact and with any state that legally becomes a party to the compact.

15 (d) The effective date of entry must be specified by the applying state, except
16 that the effective date must not be less than 60 days after notice has been given by

17 (1) the chair of the board of the compact administrators; or

18 (2) the secretary of the board of compact administrators to each party
19 state that the resolution from the applying state has been received.

20 (e) A party state may withdraw from the compact by giving official written
21 notice to the other party states. A withdrawal does not take effect until 90 days after
22 the notice of withdrawal is given. The notice must be directed to the compact
23 administrator of each party state. The withdrawal of a party state does not affect the
24 validity of the compact as to the remaining party states.

25 ARTICLE IX

26 AMENDMENTS TO THE COMPACT

27 The party states agree that

28 (a) This compact may be amended from time to time. Amendments must be
29 presented in resolution form to the chair of the board of compact administrators and
30 may be proposed by one or more party states.

31 (b) The adoption of an amendment must be endorsed by all party states and

1 becomes effective 30 days after the date the last party state endorses the amendment.

2 (c) The failure of a party state to respond to the chair of the board of compact
3 administrators within 120 days after the receipt of the proposed amendment constitutes
4 an endorsement.

5 ARTICLE X

6 CONSTRUCTION AND SEVERABILITY

7 The party states agree that this compact must be liberally construed so as to carry out
8 the purposes stated in the compact. The provisions of this compact are severable and if
9 any phrase, clause, sentence or provision of the compact is declared to be contrary to
10 the constitution of any party state or the United States or the applicability thereof to
11 any government, agency, person, or circumstance is held invalid, the validity of the
12 remainder of the compact is not affected thereby. If this compact is held contrary to
13 the constitution of any party state thereto, the compact remains in effect as to the
14 remaining states and to the state affected as to all severable matters.

15 ARTICLE XI

16 TITLE

17 The party states agree that this compact will be known as the Wildlife Violator
18 Compact.

19 * **Sec. 2.** AS 16.05.410 is amended by adding a new subsection to read:

20 (h) For purposes of enforcement of the provisions of the Wildlife Violator
21 Compact entered into under AS 16.05.332, upon the receipt of a report that a violator
22 who is a resident has failed to comply with the terms of a citation for a wildlife
23 violation issued by an issuing state other than this state or of the violator's conviction
24 of a wildlife violation in an issuing state other than this state, a peace officer may file a
25 civil action in the district court to revoke the comparable license or licenses that the
26 violator holds in this state. Once an action has been filed, the court shall set a time and
27 date for a hearing on the proposed license revocation or revocations and shall send
28 notice of the hearing to the violator. The hearing shall be before the court without a
29 jury. At the hearing, the court shall hear evidence regarding the nature and seriousness
30 of the offense for which the violator was convicted or the nature and seriousness of the
31 failure to comply with the citation, the time period involved, the potential effect of the

1 violator's actions on the preservation of the resource, and other relevant circumstances.
2 If the court finds by a preponderance of the evidence that the violator's actions
3 demonstrate a disregard for the preservation of wildlife resources, the court may
4 revoke the violator's license or licenses for a period of not less than one year or more
5 than three years from the date of revocation. In this subsection, the terms "issuing
6 state," "wildlife," and "wildlife violation" have the meanings given in AS 16.05.332.