



General Assembly

February Session, 2000

Raised Bill No. 5059

LCO No. 807

Referred to Committee on Environment

Introduced by:
(ENV)

An Act Concerning Hunting Safety.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (a) As used in this section:
- 2 (1) "Criminal negligence" shall have the same meaning as "criminal
3 negligence", as defined in section 53a-3 of the general statutes;
- 4 (2) "Hunting" shall have the same meaning as "hunting", as defined
5 in section 26-1 of the general statutes;
- 6 (3) "Impaired" shall have the meaning provided in subsection (b) of
7 section 14-227a of the general statutes;
- 8 (4) "Loaded hunting implement" means (A) a rifle or shotgun with a
9 live round in the chamber or in a magazine which is attached to such
10 rifle or shotgun, a muzzle-loaded firearm with the percussion cap in
11 place, or a flintlock firearm with powder in the pan, (B) a bow and
12 arrow with an arrow notched on the bow, (C) a drawn crossbow with
13 or without a bolt in place, or (D) a high velocity air gun that is charged
14 with a projectile in the chamber or in a magazine that is attached to
15 such air gun;

16 (5) "Serious physical injury" shall have the same meaning as "serious
17 physical injury ", as defined in section 53a-3 of the general statutes; and

18 (6) "Under the influence" shall have the meaning provided in
19 subsection (a) of section 14-227a of the general statutes.

20 (b) (1) A person is guilty of negligent hunting in the first degree
21 when, with criminal negligence while hunting, such person discharges
22 a loaded hunting implement and thereby causes the death of another
23 person.

24 (2) Negligent hunting in the first degree is a class C felony for which
25 one year of the sentence imposed may not be suspended or reduced in
26 any manner.

27 (c) (1) A person is guilty of negligent hunting in the second degree
28 when, with criminal negligence while hunting, such person discharges
29 a loaded hunting implement and thereby causes the serious physical
30 injury of another person.

31 (2) Negligent hunting in the second degree is a class D felony.

32 (d) (1) A person is guilty of negligent hunting in the third degree
33 when such person, while hunting, (A) discharges a firearm at a time of
34 day when hunting is not permitted, (B) violates any provision of
35 section 26-85 of the general statutes, (C) discharges a firearm from a
36 vehicle, (D) hunts while the person's license to hunt is suspended, (E)
37 hunts with, or discharges a firearm less than two hundred fifty feet
38 from any building occupied by people or domestic animals or used for
39 storage of flammable or combustible materials, or less than one
40 hundred twenty-five feet from any such building while hunting in
41 tidal water areas, unless written permission of the owner of such
42 building has been obtained and is carried while hunting, (F) hunts
43 from, or discharges a hunting implement from or across a public
44 highway, (G) hunts out of season or on a Sunday, or (H) shoots an
45 occupied dwelling.

46 (2) Negligent hunting in the third degree is a class A misdemeanor
47 and any person found guilty under subdivision (1) of this subsection
48 shall be fined not less than four hundred dollars.

49 (e) (1) A person is guilty of negligent hunting in the fourth degree
50 when such person (A) hunts without a license, permit or stamp or
51 other permission required by law, (B) while hunting is in possession of
52 a loaded hunting implement at a time of day when hunting is not
53 allowed, (C) while hunting shoots a domestic animal or shoots an
54 occupied building that is not a dwelling, (D) while hunting shoots
55 toward a person within range, or (E) fails to wear orange in
56 accordance with the regulations adopted by the Commissioner of
57 Environmental Protection under section 26-66 of the general statutes.

58 (2) Negligent hunting in the fourth degree is a class B misdemeanor
59 and any person found guilty under subdivision (1) of this subsection
60 shall be fined not less than two hundred dollars.

61 (f) (1) No person shall engage in hunting while under the influence
62 or while impaired.

63 (2) Any person who, while hunting, is under the influence or is
64 impaired is guilty of negligent hunting in the second degree.

65 (3) Hunting while under the influence or while impaired is a class D
66 felony.

67 (4) Any person convicted of negligent hunting in the first degree,
68 who at the time of the alleged offense was under the influence or
69 impaired, shall receive a sentence of two years which may not be
70 suspended or reduced in any manner.

71 (5) Any person convicted of negligent hunting in the second degree,
72 who at the time of the alleged offense was under the influence or
73 impaired, shall receive a sentence of one year which may not be
74 suspended or reduced in any manner.

75 (6) For purposes of this subsection, the provision of sections 15-140q
76 and 15-140r of the general statutes shall apply.

77 (g) Any person who is convicted of a violation of any provision of
78 this act within five years of a previous conviction for violation of this
79 subsection shall be considered a persistent negligent hunter. Upon
80 such second conviction within five years, a persistent negligent hunter
81 shall be fined an amount that is not less than twice the minimum fine
82 provided for the second violation and shall be subject to penalties
83 provided for the next more serious degree of negligent hunting under
84 subsections (b) to (f), inclusive, of this section.

85 (h) Any fine imposed for a conviction under subsections (b) to (g),
86 inclusive, of this section shall be deposited in the Criminal Injuries
87 Compensation Fund established pursuant to section 54-215 of the
88 general statutes.

89 (i) (1) The Commissioner of Environmental Protection shall suspend
90 the hunting license of any person convicted under subsections (b) to
91 (f), inclusive, of this section for: (A) Not less than ten nor more than
92 fifteen years upon conviction of negligent hunting in the first degree;
93 (B) not less than five nor more than ten years upon conviction of
94 negligent hunting in the second degree; (C) up to five years upon
95 conviction of negligent hunting in the third degree; and (D) up to three
96 years upon conviction of negligent hunting in the fourth degree.

97 (2) Any person arrested for a violation of subsections (b) to (f),
98 inclusive, of this section shall surrender any firearm, shell, cartridge,
99 bow and arrow, crossbow, bolt or any other hunting implement or
100 item of hunting equipment in the person's possession while hunting at
101 the time of the alleged violation. Any such property shall be
102 confiscated at the time of arrest by a police officer or conservation
103 officer. Upon the acquittal of such person of such violation, such
104 property shall be returned to the person. Notwithstanding the
105 provisions of sections 54-33g and 54-36a of the general statutes, the
106 property shall be turned over to the Commissioner of Environmental

107 Protection upon conviction of such person for such violation. Said
108 commissioner shall (A) retain the property for use by personnel of the
109 Department of Environmental Protection, (B) convey the property to
110 the Commissioner of Administrative Services for sale at public auction,
111 the proceeds of which shall be credited to the Criminal Injuries
112 Compensation Fund established pursuant to section 54-215 of the
113 general statutes or to TIP, Inc., or (C) destroy the property.

114 (j) For purposes of sections (b) to (f), inclusive, of this section,
115 possession of any loaded hunting implement while at or entering or
116 leaving an area where a reasonable person would believe the objective
117 was to take wildlife shall be prima facie evidence of hunting.

118 Sec. 2. Subsection (g) of section 26-31 of the general statutes is
119 repealed and the following is substituted in lieu thereof:

120 (g) Any holder of a hunting license which has been suspended
121 under section 26-61, for a hunting safety violation as identified by the
122 commissioner in the Hunting and Trapping Guide published annually
123 by the Department of Environmental Protection or any holder of such
124 a license which has been suspended under section 26-62 shall
125 successfully complete a remedial hunter education course formulated
126 by the Commissioner of Environmental Protection and show proof that
127 the hunter has successfully completed a conservation education-
128 firearms safety course or its equivalent, as deemed by the
129 commissioner, prior to any reinstatement of such license.

ENV Committee Vote: Yea 14 Nay 5 JF C/R JUD