



House of Representatives

General Assembly

File No. 290

February Session, 2012

Substitute House Bill No. 5304

House of Representatives, April 5, 2012

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CHARITABLE CONTRIBUTIONS PAID IN LIEU OF FINES FOR HUNTING AND FISHING VIOLATIONS.

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

1 Section 1. (NEW) (*Effective July 1, 2012*) (a) The court may, in the
2 disposition of any case concerning an alleged violation of any
3 provision of title 26 of the general statutes concerning hunting or
4 inland waters fishing, including a dismissal or the imposition of a
5 sentence, consider the fact that the defendant has made a monetary
6 contribution to the Turn In Poachers account established under section
7 2 of this act.

8 (b) In entering a nolle prosequi concerning an alleged violation
9 described in subsection (a) of this section, the state's attorney, assistant
10 state's attorney or deputy assistant state's attorney in charge of the case
11 may consider the fact that the defendant has made a monetary
12 contribution to the Turn In Poachers account established under section
13 2 of this act.

14 (c) A monetary contribution made by a defendant to the Turn In
15 Poachers account as provided in this section shall be paid to the
16 Commissioner of Energy and Environmental Protection. The
17 commissioner shall immediately transmit all contributions received
18 under this section to the State Treasurer for deposit in the Turn In
19 Poachers account.

20 Sec. 2. (NEW) (*Effective July 1, 2012*) There is established an account
21 to be known as the "Turn In Poachers account" which shall be a
22 separate, nonlapsing account within the General Fund. The account
23 shall contain any moneys required by law to be deposited in the
24 account and any funds received from any public or private
25 contributions, gifts, grants, donations, bequests or devises to the
26 account. Moneys in the account shall be expended by the
27 Commissioner of Energy and Environmental Protection to provide
28 grants to the Turn In Poachers nonprofit organization and to staff the
29 department's toll-free hotline that is used by persons to provide
30 information on poaching and other fish and game law violations.

31 Sec. 3. (NEW) (*Effective July 1, 2012*) (a) The court may, in the
32 disposition of any case concerning an alleged violation of any
33 provision of title 26 of the general statutes concerning marine waters
34 fishing, including a dismissal or the imposition of a sentence, consider
35 the fact that the defendant has made a monetary contribution to the
36 Lobster Restoration account established under section 4 of this act.

37 (b) In entering a nolle prosequi concerning an alleged violation
38 described in subsection (a) of this section, the state's attorney, assistant
39 state's attorney or deputy assistant state's attorney in charge of the case
40 may consider the fact that the defendant has made a monetary
41 contribution to the Lobster Restoration account established under
42 section 4 of this act.

43 (c) A monetary contribution made by a defendant to the Lobster
44 Restoration account as provided in this section shall be paid to the
45 Commissioner of Energy and Environmental Protection. The
46 commissioner shall immediately transmit all contributions received

47 under this section to the State Treasurer for deposit in the Lobster
48 Restoration account.

49 Sec. 4. (NEW) (*Effective July 1, 2012*) There is established an account
50 to be known as the "Lobster Restoration account" which shall be a
51 separate, nonlapsing account within the General Fund. The account
52 shall contain any moneys required by law to be deposited in the
53 account and any funds received from any public or private
54 contributions, gifts, grants, donations, bequests or devises to the
55 account. Moneys in the account shall be expended by the
56 Commissioner of Energy and Environmental Protection for the
57 purposes of the lobster restoration program established under section
58 26-157d of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	New section
Sec. 2	<i>July 1, 2012</i>	New section
Sec. 3	<i>July 1, 2012</i>	New section
Sec. 4	<i>July 1, 2012</i>	New section

Statement of Legislative Commissioners:

In sections 1(b) and 3(b), "concerning an alleged violation described in subsection (a) of this section" was inserted for clarity and in sections 1(c) and 3(c), "shall" was substituted for "may" for clarity.

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Department of Energy and Environmental Protection	GF - Potential Revenue Gain	Less than \$30,000	Less than \$30,000
Judicial Dept.	GF - Potential Revenue Loss	Less than \$30,000	Less than \$30,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows any defendant charged with poaching to make a contribution to the Turn in Poachers (TIP) account or the Lobster Restoration account, in lieu of paying a fine. This change may result in a revenue loss to the Judicial Department of less than \$30,000 annually, if offenders choose to make a contribution to these accounts in lieu of paying a fine.

In FY 11, \$63,510 was collected by the Judicial Department as a result of fines under the state's hunting and fishing laws. It is estimated that 50% of offenders would remit a contribution to the TIP or Lobster Restoration accounts instead of paying a fine. ¹

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations, and contributions paid to the TIP and Lobster Restoration accounts in lieu

¹ In FY 11, charges were dropped in 730 cases filed under the state's hunting and fishing laws.

of fines paid.

Sources: *Judicial Department Offenses and Revenue Database*

OLR Bill Analysis

sHB 5304

AN ACT CONCERNING CHARITABLE CONTRIBUTIONS PAID IN LIEU OF FINES FOR HUNTING AND FISHING VIOLATIONS.

SUMMARY:

This bill creates a "Turn in Poachers account" and the "Lobster Restoration account" as two separate, nonlapsing accounts within the General Fund. It specifies (1) that account funds must be paid to the Department of Energy and Environmental Protection (DEEP) commissioner and (2) how he can spend them.

It allows a court or a state prosecutor, when deciding how to dispose of a case or whether to dismiss charges, respectively, to consider whether the alleged violator made a charitable contribution to one of the accounts. The cases must involve alleged violations of (1) the hunting and inland waters fishing laws, with respect to the Turn in Poachers account and (2) marine waters fishing laws, with respect to the Lobster Restoration account.

EFFECTIVE DATE: July 1, 2012

TURN IN POACHERS AND LOBSTER RESTORATION ACCOUNTS

The bill requires the accounts to contain any (1) deposits the law requires and (2) public or private contributions, gifts, grants, donations, bequests, or devises to the account.

Under the bill, defendants must make contributions to the DEEP commissioner, who must immediately deposit the contributions in the appropriate account.

The DEEP commissioner must spend the money in the Turn in Poachers account to (1) provide grants to the Turn In Poachers

nonprofit organization and (2) staff the department's toll-free hotline, which people use to report poaching and other fish and game law violations. He must spend the money in the Lobster Restoration account for the lobster restoration program established under state law.

BACKGROUND

Turn in Poachers Program

The Turn in Poachers program (also called TIP) rewards people who provide DEEP with information about poaching and other fish and game law violations. Informants call a 24-hour, toll-free, confidential hotline staffed by DEEP. Turn in Poachers, a statewide nonprofit organization, offers the informant a reward if a DEEP investigation leads to an arrest.

Lobster Restoration Program

By law, the DEEP commissioner must establish a lobster restoration program, under which the tails of mature female lobsters that licensed commercial fishermen land are marked with a V-shaped notch and then released in order to increase lobster egg production. The law requires DEEP to compensate, if funds become available, each commercial fisherman who (1) lands, has marked, and releases lobsters and (2) reports it as required by law. The compensation must equal the average market value, which the commissioner determines, for each lobster released.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/21/2012)