



# Senate

General Assembly

**File No. 165**

February Session, 2012

Substitute Senate Bill No. 336

*Senate, March 29, 2012*

The Committee on Public Safety and Security reported through SEN. HARTLEY of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING NEGLIGENT HUNTING AND TRESPASSING FOR PURPOSES OF HUNTING, TRAPPING OR FISHING.***

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

1 Section 1. Subsection (d) of section 53a-217e of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2012*):

4 (d) (1) A person is guilty of negligent hunting in the third degree  
5 when such person, while hunting, (A) discharges a firearm at a time of  
6 day when hunting is not permitted, (B) discharges a firearm from a  
7 vehicle, (C) hunts while the person's license to hunt is suspended, (D)  
8 hunts out of season or on a Sunday, or (E) discharges a firearm so as to  
9 cause the projectile to strike or enter into any building occupied by  
10 people or domestic animals or used for storage of flammable or  
11 combustible materials.

12 (2) Negligent hunting in the third degree is a class B misdemeanor

13 and any person found guilty under subdivision (1) of this subsection  
14 shall be fined [not less than two hundred] one thousand dollars.

15 Sec. 2. Section 53a-109 of the general statutes is repealed and the  
16 following is substituted in lieu thereof (*Effective October 1, 2012*):

17 (a) A person is guilty of criminal trespass in the third degree when,  
18 knowing that such person is not licensed or privileged to do so: (1)  
19 Such person enters or remains in premises which are posted in a  
20 manner prescribed by law or reasonably likely to come to the attention  
21 of intruders or are fenced or otherwise enclosed in a manner designed  
22 to exclude intruders, or which belong to the state and are appurtenant  
23 to any state institution; or (2) such person enters or remains in any  
24 premises for the purpose of hunting, trapping or fishing; or (3) such  
25 person enters or remains on public land which is posted in a manner  
26 prescribed by law or reasonably likely to come to the attention of  
27 intruders or is fenced or otherwise enclosed in a manner designed to  
28 exclude intruders.

29 (b) Criminal trespass in the third degree is a class C misdemeanor,  
30 except that any person found guilty under subdivision (2) of  
31 subsection (a) of this section shall be guilty of a class B misdemeanor  
32 and fined one thousand dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	53a-217e(d)
Sec. 2	<i>October 1, 2012</i>	53a-109

**PS**            *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 \$2,000	Less than \$2,000

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill may result in a revenue gain of less than \$2,000 as it increases from a minimum of \$200 to \$1,000, the penalty for certain negligent hunting offenses. There has been no revenue collected for this violation since FY 01.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

Sources: Judicial Department Offenses and Revenue Database

**OLR Bill Analysis****sSB 336*****AN ACT CONCERNING NEGLIGENT HUNTING AND TRESPASSING FOR PURPOSES OF HUNTING, TRAPPING OR FISHING.*****SUMMARY:**

This bill increases the penalty for 3<sup>rd</sup> degree criminal trespass involving unauthorized entry onto a property to hunt, trap, or fish. Under current law, this violation is a class C misdemeanor punishable by imprisonment for up to three months, a fine of up to \$500, or both. The bill (1) makes it a class B misdemeanor punishable by up to six months imprisonment and (2) fixes the fine at \$1,000 (see BACKGROUND).

The bill also increases, from a minimum of \$200 to a fixed \$1,000, the fine for 3<sup>rd</sup> degree negligent hunting, which, under existing law, is a class B misdemeanor carrying a prison term of up to six months. (Under existing law, unchanged by the bill, 2<sup>nd</sup> degree negligent hunting is a class A misdemeanor that carries a minimum \$400 fine.)

The bill affects the penalties for persistent negligent hunters who must be fined an amount that is not less than twice the minimum fine provided for the violation and is subject to penalties provided for the next more serious degree of negligent hunting (CGS § 53a-217e (e) 2(f)). By law, a person convicted of negligent hunting within five years of a previous conviction is considered a persistent negligent hunter.

EFFECTIVE DATE: October 1, 2012

**BACKGROUND*****Third-Degree Criminal Trespass***

Under existing law, unchanged by the bill, unauthorized entry onto

land posted as prescribed by law or fenced or otherwise enclosed in a manner designed to exclude intruders is also classified as 3<sup>rd</sup> degree criminal trespass, punishable as a class C misdemeanor.

***Third-Degree Negligent Hunting***

A person commits this crime if, while hunting, he or she:

1. fires a loaded firearm at a time of day when hunting is prohibited,
2. hunts on Sundays or outside of hunting season,
3. discharges a firearm from a vehicle,
4. hunts with a suspended license, or
5. discharges a firearm into a building occupied by people or domestic animals or used to store flammable or combustible material.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/15/2012)