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## **OLR Bill Analysis**

### **SB 1020**

#### ***AN ACT CONCERNING THE INTERSTATE WILDLIFE VIOLATOR COMPACT.***

##### **SUMMARY:**

This bill enacts, and commits Connecticut to the terms of, the Interstate Wildlife Violator Compact. It makes the energy and environmental protection (DEEP) commissioner, or his designee, Connecticut's compact administrator and authorizes DEEP to adopt regulations to carry out the compact.

The compact is an agreement that requires member states to recognize hunting, fishing, and trapping license sanctions in other member states and take reciprocal action. Thus, if a person's hunting, fishing, or trapping license is suspended in a member state, his or her Connecticut license must also be suspended if the offense would have resulted in a suspension had it occurred here. And, if a person's hunting, fishing, or trapping license is suspended in Connecticut, his or her privileges or rights may be suspended in other member states as well.

The compact establishes a process by which wildlife violations by a non-resident of a member state are handled as if the person were a resident. Under the compact, violators are issued a ticket and released rather than arrested and having to post a cash bond as a condition of release.

The bill also repeals the Northeast Conservation Law Enforcement Compact, which is a mutual aid agreement for enforcing state fisheries, wildlife, and environmental laws (see BACKGROUND).

**EFFECTIVE DATE:** Upon passage, except the repeal of the Northeast Conservation Law Enforcement Compact is effective October 1, 2013.

## **COMPACT PURPOSE**

The Interstate Wildlife Violator Compact's stated purpose is to provide:

1. a way for member states to participate in a reciprocal program to make the compact's policies effective in a uniform and orderly manner and
2. for the fair and impartial treatment of wildlife violators operating within member states in recognition of their due process rights and a member state's sovereign status.

## **ISSUING STATE PROCEDURES**

The compact requires a member state that cites a person for a wildlife violation ("issuing state") to (1) cite the person in the same manner as if he or she were a resident and (2) not require the person to post collateral to secure an appearance if the person agrees to comply with the terms of the citation (i.e., gives his or her personal recognizance). ("Citations" include such things as summonses, complaints, tickets, or penalty assessments.) Personal recognizance is acceptable if (1) not prohibited by local law or rule and (2) the person provides adequate proof of his or her identity to the officer issuing the citation.

The appropriate official in the issuing state must, upon a person's (1) conviction of a wildlife violation subject to a suspension of license privileges or (2) failure to comply with the terms of a wildlife citation, report the conviction or failure to comply to his or her state's licensing authority. Upon receipt, the licensing authority must report the information to the violator's home state.

## **HOME STATE PROCEDURES**

Upon receipt of a conviction or failure to comply report from the licensing authority of another member state, the violator's home state's licensing authority must act. For a conviction, the home state's licensing authority must enter the conviction in its records and treat it as if it occurred in the home state (i.e., initiate the license suspension

process). For a failure to comply, the home state's licensing authority must notify the violator, initiate a suspension action, and suspend the violator's license until the issuing state provides satisfactory evidence that the person complied with the terms of the citation.

The home state's licensing authority must keep a record of its actions and report to the issuing states.

### **RECIPROCAL RECOGNITION OF SUSPENSION**

The compact requires member states to recognize the suspension of license privileges or rights by any member state as if the violation had occurred in the person's home state and would have been the basis for suspension in that state. "Suspension" includes revocation, denial, or withdrawal of license privileges or rights.

### **BOARD OF COMPACT ADMINISTRATORS**

The compact creates a board of compact administrators to serve as the compact's governing body. The board is made up of one administrator from each member state. The DEEP commissioner, or his designee, is Connecticut's compact administrator.

The compact allows a compact administrator to select an alternate to act on his or her behalf on the board, but an alternate cannot serve unless written notice is given to the board.

Each board member is entitled to one vote. A majority of member states must be present at a meeting for the board to take action. Action by the board is binding only if a majority of votes are in favor of the action.

The board must (1) annually elect a chairperson and vice chairperson from its members and (2) adopt bylaws for the conduct of its business. It can amend and rescind its bylaws.

The board may (1) accept, receive, use, and dispose of donations and grants from any state, the United States, or any governmental agency and (2) contract with or accept services or personnel from any person or entity (e.g., governmental or intergovernmental agency,

firm, corporation, or private nonprofit organization).

The board must (1) formulate all needed procedures and (2) develop uniform forms and documents for administering the compact. DEEP must enact rules to adopt these procedures and forms.

### **ENTRY INTO AND WITHDRAWAL FROM COMPACT**

A state may join the compact by enacting an act or resolution and submitting it to the board's chairperson. Entry into the compact is effective no earlier than 60 days after notice is given to the chairperson.

A member state may withdraw from the compact by enacting an act or resolution and giving written notice to other member states. Withdrawal will be effective 90 days after notice is given to each member state's compact administrator.

### **CONNECTICUT-SPECIFIC PROVISIONS**

The bill authorizes the DEEP commissioner to suspend a Connecticut-issued hunting, fishing, or trapping license of a person convicted of a wildlife violation in a member state if the violation would have been the basis for license suspension in Connecticut.

It prohibits DEEP from issuing a license to hunt, fish, or trap in Connecticut to anyone whose license; privilege; or right to hunt, fish, trap, possess, or transport wildlife has been suspended or revoked in a member state.

By law, DEEP is prohibited from issuing a hunting, fishing, or trapping license to anyone whose similar license is suspended or revoked in another state or Canada for violations similar to certain specified activities prohibited by Connecticut law. If such person already has a Connecticut hunting, fishing, or trapping license, DEEP may suspend or revoke it after notice and a hearing (CGS § 26-61(g)).

The bill requires the DEEP commissioner, before suspending a Connecticut-issued hunting, fishing, or trapping license, to give the affected person written notice. It permits a suspension to take effect when the notice is given in person or three days after notice is mailed.

### ***Hearing***

A person who receives a notice of license suspension may, within 20 days after notice is given, request a hearing before the DEEP commissioner on whether the requirements for suspension or penalty have been met. The person may present evidence and arguments at the hearing regarding whether:

1. a member state suspended the person's privileges,
2. there was a conviction in a member state,
3. the person failed to comply with the terms of a wildlife violation citation in a member state, or
4. a conviction in a member state could have led to a license suspension or penalty in Connecticut.

At the hearing, the commissioner or designated hearing officer may (1) administer oaths; (2) issue subpoenas for the attendance of witnesses; and (3) admit all relevant evidence and documents, including notifications from member states.

After the hearing, the commissioner or hearing officer may, based on the evidence, affirm, modify, or rescind the license suspension or penalty.

### ***Suspension***

The bill specifies that (1) a license suspension under chapter 490 of the Connecticut General Statutes is a civil suspension and (2) the commissioner's or hearing officer's decision is not appealable.

## **BACKGROUND**

### ***Interstate Wildlife Violator Compact***

There are currently 39 states participating in the Interstate Wildlife Violator Compact: Alabama, Alaska, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, New York, North Dakota, Ohio,

Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

***Northeast Conservation Law Enforcement Compact***

There are three states participating in the Northeast Conservation Law Enforcement Compact: Connecticut, New Hampshire, and Pennsylvania.

The compact provides for cooperation and assistance on enforcement of fisheries, wildlife, and environmental laws among the participating states. It allows the state to send conservation officers to assist other participating states and to request such assistance. It authorizes DEEP to place officers under the operational control of participating states that request assistance and establishes the terms and conditions of such assistance.

A participating state may withdraw from the compact by enacting a law to repeal it. Withdrawal is effective one year after the governor gives written notice of it to the governors of the other participating states.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Change of Reference  
Yea 27 Nay 1 (03/25/2013)

Judiciary Committee

Joint Favorable  
Yea 44 Nay 0 (04/19/2013)