



# Senate

General Assembly

February Session, 2016

**File No. 125**

Senate Bill No. 137

*Senate, March 22, 2016*

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE SUSPENSION OF A HUNTING OR FISHING LICENSE FOR FAILURE TO APPEAR, PAY OR PLEA IN A HUNTING OR FISHING VIOLATION CASE.***

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

1 Section 1. Subsection (b) of section 26-61 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2016*):

4 (b) Upon the conviction of any person for any violation of any  
5 provision of this chapter, any regulation issued by the commissioner or  
6 any regulation issued by the United States Fish and Wildlife Service  
7 under the provisions of section 26-91 or any of the provisions of  
8 section 53-204, 53-205, 53a-109 or 53a-115 to 53a-117, inclusive, or upon  
9 the forfeiture of any bond taken upon any complaint, or upon the  
10 payment of any fine for an infraction pursuant to section 51-164n, a  
11 license, registration or permit issued pursuant to this chapter to such  
12 person by the commissioner and the right to obtain any such license,  
13 registration or permit may, for a first violation or infraction, be

14 suspended by the commissioner for not more than one year, and such  
15 permit, license or registration, together with the flag or other insignia  
16 issued by the commissioner, shall be surrendered to the commissioner  
17 or his authorized agent, except that for a violation of any provision of  
18 section 26-85 such permit or license or the privilege to obtain such  
19 permit or license shall be suspended for not less than one year nor  
20 more than two years. For a second violation of any of said laws or  
21 regulations the commissioner may suspend any such permit, license or  
22 registration and the right to obtain any such permit, license or  
23 registration for not more than two years, except that for a second  
24 violation of any provision of section 26-85 the suspension period shall  
25 be not less than two years nor more than five years; for a third  
26 violation or infraction the commissioner may suspend any such  
27 permit, license or registration and the right to obtain any such permit,  
28 license or registration for not more than three years, except that for a  
29 third violation of any provision of section 26-85 the suspension period  
30 shall be not less than five years and may be indefinite; and for a fourth  
31 violation or infraction within a period of ten years, the commissioner  
32 may suspend any such permit, license or registration and the right to  
33 obtain any such permit, license or registration for an indefinite period.  
34 Any person cited for violation of any provision of this chapter, any  
35 regulation issued by the commissioner or any regulation issued by the  
36 United States Fish and Wildlife Service under the provisions of section  
37 26-91 or any of the provisions of section 53-204, 53-205, 53a-109, 53a-  
38 115, 53a-116 or 53a-117 who fails to appear in court or fails to pay or  
39 plea to an issued infraction, as required, and for whom an arrest  
40 warrant is issued for such violation, shall have his or her license  
41 suspended by the commissioner until such fine is paid or otherwise  
42 adjudicated in court. Upon the conviction of any person or upon the  
43 payment of any fine for an infraction pursuant to section 51-164n, for a  
44 violation of any statute or any regulation issued by the commissioner  
45 concerning hunting in proximity to buildings occupied by persons or  
46 domestic animals or used for storage of flammable or combustible  
47 materials or any statute or regulation regarding shooting towards  
48 persons, buildings or animals, the commissioner shall suspend any

49 hunting license issued pursuant to this chapter to such person, or such  
50 person's right to obtain any such license, for a period of one year, and  
51 such license shall be surrendered to the commissioner or his  
52 authorized agent; for a second such conviction or upon the payment of  
53 a fine for a second such infraction within a period of five years, the  
54 commissioner shall suspend any such license for a period of not less  
55 than two years.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2016</i>	26-61(b)
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**ENV**      *Joint Favorable*

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:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 17 \$</b>	<b>FY 18 \$</b>
Department of Energy and Environmental Protection	GF - Potential Revenue Impact	See Below	See Below

Note: GF=General Fund

***Municipal Impact:*** None

#### ***Explanation***

This bill allows the Department of Energy and Environmental Protection (DEEP) to suspend fishing, hunting, and trapping licenses if the sportsperson has violated migratory game bird, or other certain state laws.

The bill, subjects anyone who fishes, hunts, or traps under a suspended license to a fine between \$100 and \$200 and indefinite suspension of all his or her fishing, hunting, and trapping permits, licenses, and registrations. To the extent these violations occur, the bill could result in a revenue gain, anticipated to be less than \$500 annually. In FY 15, \$7,220 was collected from 32 offenses applicable under the bill's provisions. Of this amount, \$35 was generated from one migratory game bird offense.

To the extent a license is suspended and not allowed to be renewed, it may preclude the state from licensure and permitting revenue.

#### ***The Out Years***

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

**OLR Bill Analysis****SB 137*****AN ACT CONCERNING THE SUSPENSION OF A HUNTING OR FISHING LICENSE FOR FAILURE TO APPEAR, PAY OR PLEA IN A HUNTING OR FISHING VIOLATION CASE.*****SUMMARY:**

This bill expands the energy and environmental protection commissioner's authority to suspend fishing, hunting, and trapping licenses for certain violations when a person cited for the violation fails to appear in court or pay or plea to an infraction and an arrest warrant is issued for him or her. The bill requires the commissioner to suspend the license until the person is adjudicated in court or pays the associated fine. The person must have been cited for violating state or federal migratory bird regulations or the following state laws: (1) fisheries or game laws, (2) hunting or discharging a firearm from a public highway, (3) carrying a loaded gun in a vehicle or snowmobile, (4) 3<sup>rd</sup> degree criminal trespass, or (5) criminal mischief.

By law, the commissioner can suspend fishing, hunting, or trapping licenses when a person is convicted of violating any of the above regulations or laws. Anyone who fishes, hunts, or traps under a suspended license is subject to a fine between \$100 and \$200 and indefinite suspension of all his or her fishing, hunting, and trapping permits, licenses, and registrations (CGS § 26-61(d)). The law allows anyone whose license is suspended to apply to the commissioner for a license restoration (CGS § 26-61(c)).

EFFECTIVE DATE: October 1, 2016

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 28 Nay 0 (03/04/2016)