



Senate

General Assembly

File No. 534

January Session, 2021

Senate Bill No. 929

Senate, April 20, 2021

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

AN ACT CONCERNING PENALTIES FOR THE TAKING OF STRIPED BASS.

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

1 Section 1. Section 26-159a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 To establish and manage populations of marine and anadromous
4 finfish and marine arthropods and to facilitate the establishment of
5 unified coast-wide regulations in accordance with the provisions of
6 fishery management plans developed pursuant to the Fishery
7 Conservation and Management Act of 1976 (Public Law 94-265, as
8 amended) or other regional fishery management authorities, the
9 Commissioner of Energy and Environmental Protection may adopt
10 regulations in accordance with the provisions of chapter 54 governing
11 possession of such species, sport fishing and commercial fishing by
12 persons fishing for such species in the waters of this state or landing
13 such species in this state, regardless of where such species were taken.
14 Such regulations may: (1) Establish the open and closed seasons; (2)

15 establish hours, days or periods during the open season when fishing
16 shall not be permitted in designated waters or areas for all or limited
17 species by all or limited methods; (3) establish legal lengths; (4) prescribe
18 the legal methods of sport fishing for all or limited species; (5) establish
19 for sport fishing the daily creel limit, the season creel limit and the
20 possession limit; (6) restrict sport fishing from boats and other floating
21 devices and sport fishing from designated areas; (7) determine the
22 species which may be taken by commercial fishing methods, provided
23 striped bass, Atlantic salmon, other anadromous salmon, brown trout,
24 rainbow trout and brook trout may only be taken by angling and, if
25 taken in the waters of this state, shall not be sold, bartered, exchanged
26 or offered for sale, barter or exchange; (8) prescribe the legal methods of
27 commercial fishing; (9) determine the specifications, materials and
28 dimensions of nets, seines, fykes, traps, pounds, trawls, trolling gear,
29 long lines, set lines and other commercial fishing gear used in the waters
30 of this state; (10) regulate the use and marking of commercial fishing
31 gear, including boats used to conduct activities authorized pursuant to
32 section 26-142a; (11) determine the number and size of finfish and
33 marine arthropods which may be taken by commercial fishermen; (12)
34 determine the total number and pounds of finfish and marine
35 arthropods, by species, which may be taken by commercial fishing
36 methods or for commercial purposes during a calendar year or lesser
37 period; (13) prohibit the landing of protected species; (14) for a fishing
38 derby or tournament, require that such activity be registered and that
39 an accurate report of all fish tagged, marked and taken, time spent on
40 an area and any other data required by the commissioner for
41 management purposes be returned within a specified period of time.
42 Any person who violates any regulation concerning sport fishing
43 adopted in accordance with the provisions of chapter 54 and this section
44 shall have committed an infraction and may pay the fine by mail or
45 plead not guilty under the provisions of section 51-164n, [, except that
46 any person who violates any regulation adopted in accordance with the
47 provisions of chapter 54 and this section pertaining to the taking of
48 striped bass shall be fined one hundred dollars for each fish taken or
49 possessed for the first violation, be fined two hundred dollars for each

50 fish taken or possessed for the second violation and be fined five
51 hundred dollars for each fish taken or possessed or imprisoned not more
52 than thirty days, or both for each subsequent violation. No part of any
53 fine imposed for the taking or possession of any striped bass in violation
54 of any such regulation shall be remitted.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	26-159a

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: None

Municipal Impact: None

Explanation

The bill eliminates a portion of penalties under striped bass sportfishing regulations, making violations of these regulations an infraction, instead.

Currently, most sportfishing infractions are subject to a base fine of \$35, not including additional fees and surcharges bringing the total amount due to \$75 for each violation. Each violation is subject to penalties ranging from \$100 to \$500 include imprisonment of up to 30 days, depending on the circumstance.

The bill is anticipated to be revenue neutral and therefore is expected to have no fiscal impact. On average, there is \$1,750 per year in fine generated revenue. Under the bill, the annual revenue would be \$1,875 based on the same number of violations.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**SB 929*****AN ACT CONCERNING PENALTIES FOR THE TAKING OF STRIPED BASS.*****SUMMARY**

State law authorizes the energy and environmental protection commissioner to adopt regulations on, among other things, the legal methods of sportfishing and the legal limits on possessing various species, including striped bass. The commissioner has done this (see, e.g., Conn. Agencies Regs. § 26-159a-2).

This bill eliminates the enhanced penalties in current law for violating the striped bass sportfishing regulations. By doing so, it makes a violation of the striped bass regulations an infraction (see BACKGROUND), which is the same penalty that applies to other marine district sportfishing regulation violations. Currently, most marine district sportfishing infractions are subject to a base fine of \$35, but certain additional fees and surcharges apply, which brings the total amount due to \$75.

Under current law, a person who violates the striped bass sportfishing regulations is subject to the following penalties:

1. \$100 fine for each fish taken or possessed in violation for the first violation;
2. \$200 fine for each fish taken or possessed in violation for a second violation; and
3. \$500 fine for each fish taken or possessed in violation, imprisonment of up to 30 days, or both, for a subsequent violation.

By law, the commissioner also may suspend a person’s fishing license for violating the fishing regulations (CGS § 26-61).

EFFECTIVE DATE: Upon passage

BACKGROUND

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. (There may be other added charges depending upon the type of infraction. For example, certain motor vehicle infractions trigger a surcharge of 50% of the fine.) An infraction is not a crime, and violators can pay the fine by mail without making a court appearance.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 32 Nay 0 (03/31/2021)