

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS35052-LL-18A (1/2)

Short Title: Interstate Wildlife Violator Compact. (Public)

Sponsors: Senator Snow.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE INTERSTATE WILDLIFE VIOLATOR COMPACT IN
3 NORTH CAROLINA.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 113 of the General Statutes is amended by adding a
6 new Article to read:

7 "Article 22B.

8 "Wildlife Violator Compact.

9 "§ 113-300.5. Short title.

10 This Article may be cited as the "Interstate Wildlife Violator Compact."

11 "§ 113-300.6. Governor to execute compact; form of compact.

12 The Governor of North Carolina is authorized and directed to execute a Compact on
13 behalf of the State of North Carolina with any state of the United States legally joining
14 therein in the form substantially as follows:

15 Article I.

16 Findings, Declaration of Policy, and Purpose.

17 (a) The party states find that:

18 (1) Wildlife resources are managed in trust by the respective states for the
19 benefit of all residents and visitors.

20 (2) The protection of their respective wildlife resources can be materially
21 affected by the degree of compliance with state statute, law, regulation,
22 ordinance, or administrative rule relating to the management of those
23 resources.

24 (3) The preservation, protection, management, and restoration of wildlife
25 contributes immeasurably to the aesthetic, recreational, and economic
26 aspects of these natural resources.
27

- 1 (4) Wildlife resources are valuable without regard to political boundaries;
2 therefore, all persons should be required to comply with wildlife
3 preservation, protection, management, and restoration laws,
4 ordinances, and administrative rules and regulations of all party states
5 as a condition precedent to the continuance or issuance of any license
6 to hunt, fish, trap, or possess wildlife.
- 7 (5) Violation of wildlife laws interferes with the management of wildlife
8 resources and may endanger the safety of persons and property.
- 9 (6) The mobility of many wildlife law violators necessitates the
10 maintenance of channels of communication among the various states.
- 11 (7) In most instances, a person who is cited for a wildlife violation in a
12 state other than the person's home state:
- 13 (i) Must post collateral or bond to secure appearance for a trial at a
14 later date; or
- 15 (ii) If unable to post collateral or bond, is taken into custody until
16 the collateral or bond is posted; or
- 17 (iii) Is taken directly to court for an immediate appearance.
- 18 (8) The purpose of the enforcement practices described in subdivision (7)
19 of this subsection is to ensure compliance with the terms of a wildlife
20 citation by the person who, if permitted to continue on the person's
21 way after receiving the citation, could return to the person's home state
22 and disregard the person's duty under the terms of the citation.
- 23 (9) In most instances, a person receiving a wildlife citation in the person's
24 home state is permitted to accept the citation from the officer at the
25 scene of the violation and to immediately continue on the person's way
26 after agreeing or being instructed to comply with the terms of the
27 citation.
- 28 (10) The practice described in subdivision (7) of this subsection causes
29 unnecessary inconvenience and, at times, a hardship for the person
30 who is unable at the time to post collateral, furnish a bond, stand trial,
31 or pay the fine, and thus is compelled to remain in custody until some
32 alternative arrangement can be made.
- 33 (11) The enforcement practices described in subdivision (7) of this
34 subsection consume an undue amount of law enforcement time.
- 35 (b) It is the policy of the party states to:
- 36 (1) Promote compliance with the statutes, laws, ordinances, regulations,
37 and administrative rules relating to management of wildlife resources
38 in their respective states.
- 39 (2) Recognize the suspension of wildlife license privileges of any person
40 whose license privileges have been suspended by a party state and treat
41 this suspension as if it had occurred in their state.
- 42 (3) Allow violators to accept a wildlife citation, except as provided in
43 subsection (b) of Article III, and proceed on the violator's way without
44 delay whether or not the person is a resident in the state in which the

- 1 (e) "Court" means a court of law, including Magistrate's Court and the
2 Justice of the Peace Court.
- 3 (f) "Home state" means the state of primary residence of a person.
- 4 (g) "Issuing state" means the party state which issues a wildlife citation to
5 the violator.
- 6 (h) "License" means any license, permit, or other public document which
7 conveys to the person to whom it was issued the privilege of pursuing,
8 possessing, or taking any wildlife regulated by statute, law, regulation,
9 ordinance, or administrative rule of a party state.
- 10 (i) "Licensing authority" means the department or division within each
11 party state which is authorized by law to issue or approve licenses or
12 permits to hunt, fish, trap, or possess wildlife.
- 13 (j) "Party state" means any state which enacts legislation to become a
14 member of this wildlife compact.
- 15 (k) "Personal recognizance" means an agreement by a person made at the
16 time of issuance of the wildlife citation that the person will comply
17 with the terms of that citation.
- 18 (l) "State" means any state, territory, or possession of the United States,
19 the District of Columbia, Commonwealth of Puerto Rico, Provinces of
20 Canada, or other countries.
- 21 (m) "Suspension" means any revocation, denial, or withdrawal of any or all
22 license privileges, including the privilege to apply for, purchase, or
23 exercise the benefits conferred by any license.
- 24 (n) "Terms of the citation" means those conditions and options expressly
25 stated upon the citation.
- 26 (o) "Wildlife" means all species of animals, including but not necessarily
27 limited to mammals, birds, fish, reptiles, amphibians, mollusks, and
28 crustaceans, which are defined as "wildlife" and are protected or
29 otherwise regulated by statute, law, regulation, ordinance, or
30 administrative rule in a party state. "Wildlife" also means food fish and
31 shellfish as defined by statute, law, regulation, ordinance, or
32 administrative rule in a party state. Species included in the definition
33 of "wildlife" vary from state to state and determination of whether a
34 species is "wildlife" for the purposes of this compact shall be based on
35 local law.
- 36 (p) "Wildlife law" means any statute, law, regulation, ordinance, or
37 administrative rule developed and enacted to manage wildlife
38 resources and the use thereof.
- 39 (q) "Wildlife officer" means any individual authorized by a party state to
40 issue a citation for a wildlife violation.
- 41 (r) "Wildlife violation" means any cited violation of a statute, law,
42 regulation, ordinance, or administrative rule developed and enacted to
43 manage wildlife resources and the use thereof.
- 44

1 their state and could have been the basis for suspension of license privileges in their
2 state.

3
4 Article VI.

5 Applicability of Other Laws.

6 Except as expressly required by provisions of this compact, nothing herein shall be
7 construed to affect the right of any party state to apply any of its laws relating to license
8 privileges to any person or circumstance or to invalidate or prevent any agreement or
9 other cooperative arrangements between a party state and a nonparty state concerning
10 wildlife law enforcement.

11
12 Article VII.

13 Compact Administrator Procedures.

14 (a) For the purpose of administering the provisions of this compact and to serve
15 as a governing body for the resolution of all matters relating to the operation of this
16 compact, a board of compact administrators is established. The board of compact
17 administrators shall be composed of one representative from each of the party states to
18 be known as the compact administrator. The compact administrator shall be appointed
19 by the head of the licensing authority of each party state and will serve and be subject to
20 removal in accordance with the laws of the state the administrator represents. A
21 compact administrator may provide for the discharge of the administrator's duties and
22 the performance of the administrator's functions as a board member by an alternate. An
23 alternate may not be entitled to serve unless written notification of the alternate's
24 identity has been given to the board of compact administrators.

25 (b) Each member of the board of compact administrators shall be entitled to one
26 vote. No action of the board shall be binding unless taken at a meeting at which a
27 majority of the total number of votes on the board are cast in favor thereof. Action by
28 the board shall be only at a meeting at which a majority of the party states are
29 represented.

30 (c) The board of compact administrators shall elect annually, from its
31 membership, a chair and vice-chair.

32 (d) The board of compact administrators shall adopt bylaws, not inconsistent
33 with the provisions of this compact or the laws of a party state, for the conduct of its
34 business and shall have the power to amend and rescind its bylaws.

35 (e) The board of compact administrators may accept for any of its purposes and
36 functions under this compact all donations and grants of money, equipment, supplies,
37 materials, and services, conditional or otherwise, from any state, the United States, or
38 any governmental agency, and may receive, utilize, and dispose of the same.

39 (f) The board of compact administrators may contract with or accept services or
40 personnel from any governmental or intergovernmental agency, individual, firm,
41 corporation, or any private nonprofit organization or institution.

42 (g) The board of compact administrators shall formulate all necessary procedures
43 and develop uniform forms and documents for administering the provisions of this

1 compact. All procedures and forms adopted pursuant to board action shall be contained
2 in the compact manual.

3
4 Article VIII.

5 (a) This compact shall become effective when it has been adopted by at least two
6 states.

7 (b) (1) Entry into the compact shall be made by resolution of ratification
8 executed by the authorized officials of the applying state and
9 submitted to the chair of the board of compact administrators.

10 (2) The resolution shall be in a form and content as provided in the
11 compact manual and shall include statements that in substance are as
12 follows:

13 (i) A citation of the authority by which the state is empowered to
14 become a party to this compact;

15 (ii) Agreement to comply with the terms and provisions of the
16 compact; and

17 (iii) That compact entry is with all states then party to the compact
18 and with any state that legally becomes a party to the compact.

19 (3) The effective date of entry shall be specified by the applying state, but
20 shall not be less than sixty days after notice has been given by the
21 chairperson of the board of compact administrators or by the
22 secretariat of the board to each party state that the resolution from the
23 applying state has been received.

24 (c) A party state may withdraw from this compact by official written notice to
25 the other party states, but a withdrawal shall not take effect until ninety days after notice
26 of withdrawal is given. The notice shall be directed to the compact administrator of each
27 member state. No withdrawal shall affect the validity of this compact as to the
28 remaining party states.

29
30 Article IX.

31 Amendments to the Compact.

32 (a) This compact may be amended from time to time. Amendments shall be
33 presented in resolution form to the chairperson of the board of compact administrators
34 and may be initiated by one or more party states.

35 (b) Adoption of an amendment shall require endorsement by all party states and
36 shall become effective thirty days after the date of the last endorsement.

37 (c) Failure of a party state to respond to the compact chair within one hundred
38 twenty days after receipt of the proposed amendment shall constitute endorsement.

39
40 Article X.

41 Construction and Severability.

42 This compact shall be liberally construed so as to effectuate the purposes stated
43 herein. The provisions of this compact shall be severable and if any phrase, clause,
44 sentence, or provision of this compact is declared to be contrary to the constitution of

1 any party state or of the United States or the applicability thereof to any government,
2 agency, individual, or circumstance is held invalid, the compact shall not be affected
3 thereby. If this compact shall be held contrary to the constitution of any party state
4 thereto, the compact shall remain in full force and effect as to the remaining states and
5 in full force and effect as to the state affected as to all severable matters.

6 **"§ 113-300.7. Implementation and rules.**

7 (a) The Wildlife Resources Commission may suspend or revoke the license,
8 privilege, or right of any person to hunt, fish, trap, possess, or transport wildlife in this
9 State to the extent that the license, privilege, or right has been suspended or revoked by
10 another compact member under the provisions of this Article.

11 (b) The Wildlife Resources Commission shall adopt rules necessary to carry out
12 the purposes of this Article.

13 **"§ 113-300.8. Violations.**

14 It is unlawful for a person whose license, privilege, or right to hunt, fish, trap,
15 possess, or transport wildlife has been suspended or revoked under the provisions of this
16 Article to exercise that right or privilege within this State or to purchase or possess a
17 license granting that right or privilege. A person who hunts, fishes, traps, possesses, or
18 transports wildlife in this State or who purchases or possesses a license to hunt, fish,
19 trap, possess, or transport wildlife in this State in violation of a suspension or revocation
20 under this Article is guilty of a Class 1 misdemeanor."

21 **SECTION 2.** This act becomes effective October 1, 2007.