

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE BILL 175**

Short Title: Interstate Wildlife Violator Compact. (Public)

Sponsors: Senators Snow; Albertson, Atwater, Dalton, Goodall, Purcell, and  
Weinstein.

Referred to: Agriculture/Environment/Natural Resources.

February 15, 2007

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:

"Article 22B.

"Wildlife Violator Compact.

7  
8  
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  
16 Article I.

17 Findings, Declaration of Policy, and Purpose.

18 (a) The party states find that:

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

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

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

- 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                    citation was issued, provided that the violator's home state is party to  
 2                    this compact.  
 3                    (4)    Report to the appropriate party state, as provided in the compact  
 4                    manual, any conviction recorded against any person whose home state  
 5                    was not the issuing state.  
 6                    (5)    Allow the home state to recognize and treat convictions recorded for  
 7                    their residents which occurred in another party state as if they had  
 8                    occurred in the home state.  
 9                    (6)    Extend cooperation to its fullest extent among the party states for  
 10                    obtaining compliance with the terms of a wildlife citation issued in one  
 11                    party state to a resident of another party state.  
 12                    (7)    Maximize effective use of law enforcement personnel and information.  
 13                    (8)    Assist court systems in the efficient disposition of wildlife violations.  
 14                    (c)    The purpose of this compact is to:  
 15                    (1)    Provide a means through which the party states may participate in a  
 16                    reciprocal program to effectuate policies enumerated in subsection (b)  
 17                    of this Article in a uniform and orderly manner.  
 18                    (2)    Provide for the fair and impartial treatment of wildlife violators  
 19                    operating within party states in recognition of the person's right of due  
 20                    process and the sovereign status of a party state.

21  
 22                    Article II.  
 23                    Definitions.

24                    Unless the context requires otherwise, the definitions in this Article apply through  
 25                    this compact and are intended only for the implementation of this compact:

- 26                    (a)    "Citation" means any summons, complaint, ticket, penalty assessment,  
 27                    or other official document issued by a wildlife officer or other peace  
 28                    officer for a wildlife violation containing an order which requires the  
 29                    person to respond.  
 30                    (b)    "Collateral" means any cash or other security deposited to secure an  
 31                    appearance for trial, in connection with the issuance by a wildlife  
 32                    officer or other peace officer of a citation for a wildlife violation.  
 33                    (c)    "Compliance" with respect to a citation means the act of answering the  
 34                    citation through appearance at a court, a tribunal, or payment of fines,  
 35                    costs, and surcharges, if any, or both such appearance and payment.  
 36                    (d)    "Conviction" means a conviction, including any court conviction, of  
 37                    any offense related to the preservation, protection, management, or  
 38                    restoration of wildlife which is prohibited by state statute, law,  
 39                    regulation, ordinance, or administrative rule, or a forfeiture of bail,  
 40                    bond, or other security deposited to secure appearance by a person  
 41                    charged with having committed any such offense, or payment of a  
 42                    penalty assessment, or a plea of nolo contendere, or the imposition of a  
 43                    deferred or suspended sentence by the court.

- 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 Article III.

2 Procedures for Issuing State.

3 (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a  
4 citation to any person whose primary residence is in a party state in the same manner as  
5 if the person were a resident of the home state and shall not require the person to post  
6 collateral to secure appearance, subject to the exceptions contained in subsection (b) of  
7 this Article, if the officer receives the person's personal recognizance that the person  
8 will comply with the terms of the citation.

9 (b) Personal recognizance is acceptable:

10 (1) If not prohibited by local law or the compact manual; and

11 (2) If the violator provides adequate proof of the violator's identification to  
12 the wildlife officer.

13 (c) Upon conviction or failure of a person to comply with the terms of a wildlife  
14 citation, the appropriate official shall report the conviction or failure to comply to the  
15 licensing authority of the party state in which the wildlife citation was issued. The  
16 report shall be made in accordance with procedures specified by the issuing state and  
17 shall contain the information specified in the compact manual as minimum requirements  
18 for effective processing by the home state.

19 (d) Upon receipt of the report of conviction or noncompliance required by  
20 subsection (c) of this Article, the licensing authority of the issuing state shall transmit to  
21 the licensing authority in the home state of the violator the information in a form and  
22 content as contained in the compact manual.

23 Article IV.

24 Procedures for Home State.

25 (a) Upon receipt of a report of failure to comply with the terms of a citation from  
26 the licensing authority of the issuing state, the licensing authority of the home state shall  
27 notify the violator, shall initiate a suspension action in accordance with the home state's  
28 suspension procedures, and shall suspend the violator's license privileges until  
29 satisfactory evidence of compliance with the terms of the wildlife citation has been  
30 furnished by the issuing state to the home state licensing authority. Due process  
31 safeguards will be accorded.

32 (b) Upon receipt of a report of conviction from the licensing authority of the  
33 issuing state, the licensing authority of the home state shall enter such conviction in its  
34 records and shall treat such conviction as if it occurred in the home state for the  
35 purposes of the suspension of license privileges.

36 (c) The licensing authority of the home state shall maintain a record of actions  
37 taken and make reports to issuing states as provided in the compact manual.

38 Article V.

39 Reciprocal Recognition of Suspension.

40 All party states shall recognize the suspension of license privileges of any person by  
41 any state as if the violation on which the suspension is based had in fact occurred in  
42 any state as if the violation on which the suspension is based had in fact occurred in  
43 any state as if the violation on which the suspension is based had in fact occurred in

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.