

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 175

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/2/07

Short Title: Interstate Wildlife Violator Compact.

(Public)

Sponsors:

Referred to:

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:

7 "Article 22B.

8 "Interstate 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 shall execute an Interstate Wildlife Violator Compact on behalf of the
13 State of North Carolina with any state of the United States legally joining therein in the
14 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.

28 (4) Wildlife resources are valuable without regard to political boundaries;
29 therefore, all persons should be required to comply with wildlife

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

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

41
42 Article III.
43 Procedures for Issuing State.

1 Article VIII.

2 Entry into Compact and Withdrawal.

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

5 (b) (1) Entry into the compact shall be made by resolution of ratification
6 executed by the authorized officials of the applying state and
7 submitted to the Chair of the Board of Compact Administrators.

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

11 a. A citation of the authority by which the state is empowered to
12 become a party to this compact;

13 b. Agreement to comply with the terms and provisions of the
14 compact; and

15 c. That compact entry is with all states then party to the compact
16 and with any state that legally becomes a party to the compact.

17 (3) The effective date of entry shall be specified by the applying state, but
18 shall not be less than 60 days after notice has been given by the Chair
19 of the Board of Compact Administrators or by the secretariat of the
20 Board to each party state that the resolution from the applying state has
21 been received.

22 (c) A party state may withdraw from this compact by official written notice to
23 the other party states, but a withdrawal shall not take effect until 90 days after notice of
24 withdrawal is given. The notice shall be directed to the Compact Administrator of each
25 member state. No withdrawal shall affect the validity of this compact as to the
26 remaining party states.

27
28 Article IX.

29 Amendments to the Compact.

30 (a) This compact may be amended from time to time. Amendments shall be
31 presented in resolution form to the Chair of the Board of Compact Administrators and
32 may be initiated by one or more party states.

33 (b) Adoption of an amendment shall require endorsement by all party states and
34 shall become effective 30 days after the date of the last endorsement.

35
36 Article X.

37 Construction and Severability.

38 This compact shall be liberally construed so as to effectuate the purposes stated
39 herein. The provisions of this compact shall be severable and if any phrase, clause,
40 sentence, or provision of this compact is declared to be contrary to the constitution of
41 any party state or of the United States or the applicability thereof to any government,
42 agency, individual, or circumstance is held invalid, the compact shall not be affected
43 thereby. If this compact shall be held contrary to the constitution of any party state

1 thereto, the compact shall remain in full force and effect as to the remaining states and
2 in full force and effect as to the state affected as to all severable matters.

3 **"§ 113-300.7. Appointment of Compact Administrator; implementation; rules;**
4 **amendments.**

5 (a) The Chair of the Wildlife Resources Commission shall appoint the Compact
6 Administrator for North Carolina. The Compact Administrator shall serve at the
7 pleasure of the Chair of the Wildlife Resources Commission.

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

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

14 (d) Any proposed amendment to the Compact shall be submitted to the General
15 Assembly as an amendment to G.S. 113-300.6. In order to be endorsed by the State of
16 North Carolina as provided by subsection (b) of Article IX of the Compact, a proposed
17 amendment to the Compact must be enacted into law.

18 **"§ 113-300.8. Violations.**

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

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