

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 175
Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/2/07
House Committee Substitute Favorable 6/30/08

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:

"Article 22B.

"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:

Article I.

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 a. Must post collateral or bond to secure appearance for a trial at a
14 later date; or
- 15 b. If unable to post collateral or bond, is taken into custody until
16 the collateral or bond is posted; or
- 17 c. 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 (5) "Court" means a court of law, including Magistrate's Court and the
2 Justice of the Peace Court.
- 3 (6) "Home state" means the state of primary residence of a person.
- 4 (7) "Issuing state" means the party state which issues a wildlife citation to
5 the violator.
- 6 (8) "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 (9) "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 (10) "Party state" means any state which enacts legislation to become a
14 member of this wildlife compact.
- 15 (11) "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 (12) "State" means any state, territory, or possession of the United States,
19 including the District of Columbia and the Commonwealth of Puerto
20 Rico.
- 21 (13) "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 (14) "Terms of the citation" means those conditions and options expressly
25 stated upon the citation.
- 26 (15) "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 (16) "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 (17) "Wildlife officer" means any individual authorized by a party state to
40 issue a citation for a wildlife violation.
- 41 (18) "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

Article III.

Procedures for Issuing State.

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

(b) Personal recognizance is acceptable:

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

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

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

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

Article IV.

Procedures for Home State.

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

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

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

Article V.

Reciprocal Recognition of Suspension.

All party states shall recognize the suspension of license privileges of any person by 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.

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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
19 appointed by the head of the licensing authority of each party state and will serve and be
20 subject to removal in accordance with the laws of the state the Compact Administrator
21 represents. A Compact Administrator may provide for the discharge of the Compact
22 Administrator's duties and the performance of the Compact Administrator's functions as
23 a Board member by an alternate. An alternate shall not be entitled to serve unless
24 written notification of the alternate's identity has been given to the Board of Compact
25 Administrators.

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

31 (c) The Board of Compact Administrators shall elect annually, from its
32 membership, a Chair and Vice-Chair.

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

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

40 (f) The Board of Compact Administrators may contract with or accept services
41 or personnel from any governmental or intergovernmental agency, individual, firm,
42 corporation, or any private nonprofit organization or institution.

43 (g) The Board of Compact Administrators shall formulate all necessary
44 procedures and develop uniform forms and documents for administering the provisions

1 of this compact. All procedures and forms adopted pursuant to Board of Compact
2 Administrators action shall be contained in the compact manual.

3
4 Article VIII.

5 Entry into Compact and Withdrawal.

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

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

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

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

16 b. Agreement to comply with the terms and provisions of the
17 compact; and

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

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

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

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31 Article IX.

32 Amendments to the Compact.

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

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

38
39 Article X.

40 Construction and Severability.

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

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

5 **"§ 113-300.7. Appointment of Compact Administrator; implementation; rules;**
6 **amendments.**

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

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

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

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

20 **"§ 113-300.8. Violations.**

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

28 **SECTION 2.** This act becomes effective October 1, 2008.