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FISCAL IMPACT REPORT

SPONSOR SCONC ORIGINAL DATE _____
LAST UPDATED 02/12/15 HB _____
SHORT TITLE Major Game and Fish Violation Penalties SB 254/SCONCS
ANALYST Sanogo

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Game and Fish Department (DGF)
NM Public Defender (PDD)

SUMMARY

The Senate Conservation Committee (SCONC) substitute for SB 254 would make it a fourth degree felony to take or kill bighorn sheep, ibex, oryx, Barbary sheep, elk, deer or pronghorn antelope outside of the legal season or without a valid license, which taking or killing results in waste of the animal. Waste of the animal is defined as removing from the animal only the head, antlers or horns or leaving any of the four quarters, backstraps or tenderloins of the carcass to waste.

The bill would make it a misdemeanor to hunt or fish any game mammal, bird or fish and fail to transport home to eat or otherwise provide for the human consumption of the edible meat of the animal, or to wound a game mammal and fail to make a reasonable attempt to track the mammal “and reduce it to possession.”

FISCAL IMPLICATIONS

No fiscal impacts.

OTHER SUBSTANTIVE ISSUES

According to DGF, there are seven western states (Arizona, Colorado, Idaho, Nevada, Texas, Utah and Washington) that have felony provisions relating to the unlawful taking of state game or fish resources.

ADMINISTRATIVE IMPLICATIONS

DGF reports that the amount of training to implement the changes in law would be nominal and within the current ability of department personnel.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The DGF finds and investigates approximately 70 to 100 big game animals per year that are poached for their heads, horns or antlers. If the related penalties remain the same, the number of these illegally-killed animals are expected to remain high. DGF offered its opinion that the proposed legislation will have an immediate effect and deter many instances of poaching. Furthermore, the agency expresses that:

If this bill is not enacted, [DGF] officers will continue to investigate these crimes as misdemeanors and will have to work within the two year statute of limitations, and will not have the ability to prosecute or extradite individuals from out of state that may be charged with these crimes.

AIS/bb/aml