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## FISCAL IMPACT REPORT

SPONSOR HJC DATE TYPED 3/12/05 HB 798/HJCS  
 SHORT TITLE Game & Fish Law & Rule Violation Penalties SB \_\_\_\_\_  
 ANALYST Aguilar

### REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY05	FY06			
	Minimal	Indeterminate	Recurring	Various

(Parenthesis ( ) Indicate Revenue Decreases)

Conflicts with: HB-47

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Game and Fish (DGF)

### SUMMARY

#### Synopsis of Bill

The House Judiciary Committee substitute for House Bill 798 increases fines and other sanctions for violating game and fish laws or rules.

#### Significant Issues

The committee substitute increases the fines and jail time for those convicted of violating statute and game commission rules that involves the illegal taking, killing, possession of wildlife. This bill also provides for a fourth degree felony if a person is convicted a second or subsequent time of violating Chapter 17 statutes and game commission rules that relate to the illegal possession or transportation of big game during closed season; taking big game during closed season; attempting to take or taking big game using artificial light; exceeding the bag limit on big game during open season; and hunting big game without a license.

The committee substitute removes reference to the term “during a closed season” which clears up language regarding the illegal taking of game.

The Department of Game & Fish notes the bill clearly raises the possibility of fines and incarceration. It is unknown how this will affect individual’s behavior. However, the bill is consistent with the cornerstone philosophy of law enforcement, which is the best deterrence of violations, now and in the future, is the active apprehension and strong punishment of violators. Specifically, the Department has received broad support through public comment about increasing penalties for violators, especially those that poach big game out of season, spotlight or hunt without a license.

Preliminary data from other western states indicates that New Mexico has an overall lesser fine and punishment schedule for wildlife violations; however it is unclear how accurate other states data is as it has not been thoroughly and comprehensively compared.

### **FISCAL IMPLICATIONS**

Revenue generated by the provision contained in this bill will have an effect on a variety of funds statewide depending on the amounts levied and the court collecting the fines.

### **ADMINISTRATIVE IMPLICATIONS**

No significant fiscal impact is expected because Conservation Officers will enforce these laws whether they are misdemeanors or felonies. A minor amount of additional time might be required by conservation officers to work with District Attorney’s on felony cases, but the actual impact is unknown and most likely will not have a negative impact on fiscal resources.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

A relationship may exist with HJM 18 which asks for a study of the waste of game and potential solutions.

### **TECHNICAL ISSUES**

If this bill is successful and these five specific felony violations are committed those facing a felony charge will have to be indicted or bound over to District Court. If District Court becomes the appropriate venue for trial, legislators may wish to consider amending 17-2-9, which gives magistrate court jurisdiction for all criminal and civil cases arising from Chapter 17.

**PA/lg**