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FISCAL IMPACT REPORT

SPONSOR Stewart DATE TYPED 2/8/2005 HB HJM 18

SHORT TITLE Study Increasing Penalties For Killing Game SB _____

ANALYST Aguilar

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

Department of Game and fish (DGF)

SUMMARY

Synopsis of Bill

House Joint Memorial 18 requests "the legislative interim committee that studies corrections issues" conduct a study into increasing penalties for killing big game animals for their head, antlers, or other body parts and wasting the meat. The memorial requests that state agencies take steps to increase awareness of unlawful hunting and how the public can report those crimes.

Significant Issues

Section 17-2-8 NMSA 1978 prohibits "waste of game". Most violations of the Game and Fish laws or regulations, including "waste of game", are misdemeanors or petty misdemeanors.

This will allow an examination of the punishment levied in magistrate court to convicted violators. It will also allow a comparison of fines, civil assessments and other methods of punishment to other states for similar offense. The memorial 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 punishment of violators. There have been 3 high profile cases involving waste

of game in the news over the last 13 months.

OTHER SUBSTANTIVE ISSUES

The Department of Game and Fish reports conservation Officers actively spend time in the field patrolling and checking for license compliance and wildlife violations. State law mandates that magistrate court has jurisdiction over most violations, including waste of game, which is established in 17-2-8. Currently this is a misdemeanor violation.

A cursory review of fine and penalty estimates by various other western states is provided below. However, this does not separate out criminal and civil fines that may be imposed in the respective states and include all violations and not just violations involving waste of game.

LE EFFORTS FROM OTHER STATES			
STATE	# CITATIONS ANNUALLY	ANNUAL FINES	RANGE
AZ	2911	\$133,153	\$95-\$4500
ID	4800	\$351,795	\$48-\$10,000 (bighorn, moose, etc.)
MT	4550	not available at time of inquiry	\$50 - \$30,000 (civil 3/4 bighorn)
NM	2131	\$68,628 fines, \$31,463 PAs	\$50 - \$500 (\$1000 civil for bighorn)
WY	2304	\$383, 105 (includes water craft)	\$60-\$10,000 (wanton waste)
CO	6739	\$686,429	\$50-\$100,000 (willful distract/sell)
UT	4359	not available at time of inquiry	\$125-\$30,000 (civil for bighorn)

Department of Game and Fish records indicate that since 2002:

20 waste of game charges were brought to magistrate court by Conservation Officers
\$2,400 fines were levied, with an average value of \$120.00 per offense

This data was not cross-referenced and varied with magistrate court records.

The only felony for taking big game found in New Mexico law is Transporting Stolen Livestock (30-18-6 NMSA 1978). There is a provision in this law that prohibits the transportation of big game or their parts, making it a 4th degree felony. This law is rarely used and must be brought by the District Attorney's prosecutors as it is outside of Conservation Officers authority which is limited to enforcement of game laws; powers of conservation officers (17-2-19 NMSA 1978) which includes specific enumerated statutes.

PA/sb