SENATE BILL 395

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

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AN ACT

RELATING TO GAME ANIMALS; PROVIDING AUTHORITY TO ESTABLISH

CIVIL PENALTIES FOR UNLAWFUL DISPOSITION OF A TROPHY ANIMAL;

AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 17-2-26 NMSA 1978 (being Laws 1912,

Chapter 85, Section 45, as amended) is amended to read:

"17-2-26. CIVIL LIABILITY.--

A. The director of the department of game and fish,

or any other officer charged with enforcement of the laws

relating to game and fish if so directed by the director, may

bring a civil action in the name of the state against any

person unlawfully wounding or killing, or unlawfully in

possession of, any game quadruped, bird or fish, or part

thereof [and]. The state game commission shall establish

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damages recoverable by civil judgment on a game animal, bird or

fish designated to be a trophy animal by commission rule. The

damages recovered shall not be limited or reduced by the extent

of fines assessed under any criminal statute. The director of

the department of game and fish, or any other officer

designated by the director, shall recover judgment for the

following minimum sums, unless a higher minimum is established

by the state game commission, as [damage] damages for the

taking, killing or injuring:

for each elk--------------------------	$ 500.00
for each deer-------------------------	250.00
for each antelope---------------------	250.00
for each mountain sheep---------------	1,000.00
for each Barbary sheep----------------	250.00
for each black bear-------------------	500.00
for each cougar-----------------------	500.00
for each bison------------------------	600.00
for each ibex-------------------------	1,000.00
for each oryx-------------------------	1,000.00
for each javelina---------------------	100.00
for each beaver-----------------------	65.00
for each bird-------------------------	20.00
for each fish-------------------------	5.00
for each endangered species-----------	500.00
for each raptor-----------------------	200.00

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1   for each turkey----------------------   150.00

2   for each jaguar----------------------   2,000.00.

3   B. The department of game and fish shall not award

4   or issue a license, permit or certificate to a debtor owing

5   damages pursuant to Subsection A of this section until the

6   judgment has been paid in full to the department.

7   [B.] C. No verdict or judgment recovered by the

8   state in an action shall be for less than the sum fixed in this

9   section. The action for damages may be joined with an action

10   for possession, and recovery may be had for the possession as

11   well as the damages.

12   [C.] D. The pendency or determination of an action

13   for damages or payment of a judgment, or the pendency or

14   determination of a criminal prosecution for the same taking,

15   wounding, killing or possession, is not a bar to the other, nor

16   does either affect the right of seizure under any other

17   provision of the laws relating to game and fish.

18   [D.] E. The provisions of this section shall not be

19   interpreted to prevent, constrain or penalize a Native American

20   for engaging in activities for religious purposes, as provided

21   in Section 17-2-14 or 17-2-41 NMSA 1978.

22   [E.] F. The provisions of this section shall not

23   apply to a landowner or lessee, or employee of either [of

24   them], who kills an animal, on private land in which [they

25   have] the person has an ownership or leasehold interest, that

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1 is threatening human life or damaging or destroying property,

2 including crops; provided, however, that the killing is

3 reported to the department of game and fish within twenty-four

4 hours and before the removal of the carcass of the animal

5 killed; and provided further that all actions authorized in

6 this subsection are carried out according to [regulations]

7 rules of the department."

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