

AN ACT

RELATING TO GAME ANIMALS; PROVIDING FOR 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 recover judgment for the following minimum sums as damages for the taking, killing or injuring:

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| 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 |

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| 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 |
| for each turkey----- | 150.00 |
| for each jaguar----- | 2,000.00. |

B. Notwithstanding the provisions of Subsection A of this section, the state game commission shall establish damages recoverable by civil judgment on a game animal, bird or fish designated to be a trophy animal by commission rule.

C. Damages recovered pursuant to this section are intended to compensate the state for the loss of unique public resources and shall not be limited or reduced by the extent of fines assessed pursuant to any criminal statute. The department of game and fish shall not award or issue a license, permit or certificate to a debtor owing damages pursuant to this section until the judgment has been paid in full to the department.

D. No verdict or judgment recovered by the state in an action shall be for less than the sum fixed in this section. The action for damages may be joined with an action

for possession, and recovery may be had for the possession as well as the damages.

E. The pendency or determination of an action for damages or payment of a judgment, or the pendency or determination of a criminal prosecution for the same taking, wounding, killing or possession, is not a bar to the other, nor does either affect the right of seizure under any other provision of the laws relating to game and fish.

F. The provisions of this section shall not be interpreted to prevent, constrain or penalize a Native American for engaging in activities for religious purposes, as provided in Section 17-2-14 or 17-2-41 NMSA 1978.

G. The provisions of this section shall not apply to a landowner or lessee, or employee of either, who kills an animal, on private land in which the person has an ownership or leasehold interest, that is threatening human life or damaging or destroying property, including crops; provided, however, that the killing is reported to the department of game and fish within twenty-four hours and before the removal of the carcass of the animal killed; and provided further that all actions authorized in this subsection are carried out according to rules of the department."
