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HOUSE BILL 616

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Elias Barela

AN ACT

RELATING TO WILDLIFE; PROVIDING FOR PENALTIES FOR INFRACTIONS OF DEPARTMENT OF GAME AND FISH RULES TO BE PAID AS PENALTY ASSESSMENTS.

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

Section 1. Section 17-2-10.1 NMSA 1978 (being Laws 1995, Chapter 177, Section 1) is amended to read:

"17-2-10.1. GAME AND FISH PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--SCHEDULE OF ASSESSMENTS.--

A. As used in Chapter 17 NMSA 1978, "penalty assessment misdemeanor" means a violation of any of the following listed sections of the NMSA 1978 for which the listed penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Fishing without a license	17-3-17	\$ 75.00

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1	Hunting small game without		
2	a license	17-3-1	[\$100.00] <u>\$150.00</u>
3	<u>Fishing rule infractions</u>	<u>17-2-7</u>	<u>\$100.00</u>
4	<u>Upland game rule infractions</u>	<u>17-2-7</u>	<u>\$150.00</u>
5	<u>Waterfowl rule infractions</u>	<u>17-2-7</u>	<u>\$150.00</u>
6	<u>Manner and method infractions</u>	<u>17-2-7</u>	<u>\$150.00.</u>

7 B. When an alleged violator of a penalty assessment
8 misdemeanor elects to accept a notice to appear in lieu of a
9 notice of penalty assessment, no fine imposed upon later
10 conviction shall exceed the penalty assessment established for
11 the particular penalty assessment misdemeanor.

12 C. With the penalty assessment collected for [~~each~~
13 ~~penalty assessment misdemeanor pursuant to this section]~~ a
14 violation of Section 17-3-1 or 17-3-17 NMSA 1978, there shall
15 be assessed and collected the cost of the appropriate license
16 that the violator failed to produce. Upon presentation of
17 proof of payment of the penalty assessment, the director of the
18 department of game and fish shall issue the appropriate
19 license."