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SENATE BILL 390

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO ANIMAL TRAPPING; MODIFYING THE STATE GAME
COMMISSION'S REGULATION OF TRAPPING; REVISING THE COMMISSION'S
RULEMAKING AUTHORITY RELATED TO THE TAKING OF FUR-BEARING
ANIMALS; ENUMERATING ELEMENTS TO GUIDE RULES RELATED TO TRAP
AND SNARE DEVICES; AMENDING A PENALTY PROVISION.

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

SECTION 1. Section 17-5-1 NMSA 1978 (being Laws 1939,
Chapter 178, Section 1, as amended) is amended to read:

"17-5-1. DECLARATION OF POLICY.--It is the purpose of
Sections 17-5-1 through 17-5-9 NMSA 1978 and the policy of New
Mexico to provide an adequate and flexible system for the
protection of fur-bearing animals [~~to the end that valuable fur
resources shall not be wasted or depleted~~]."

SECTION 2. Section 17-5-4 NMSA 1978 (being Laws 1939,

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1 Chapter 178, Section 4, as amended) is amended to read:

2 "17-5-4. STATE GAME COMMISSION TO ADMINISTER ACT--RULES
3 [~~AND REGULATIONS~~].--

4 A. The state game commission is authorized and
5 directed to administer the provisions of Sections 17-5-1
6 through 17-5-9 NMSA 1978 and to make such rules [~~and~~
7 ~~regulations~~] and establish such [~~service~~] services as it may
8 deem necessary to carry out all the provisions and purposes of
9 those sections. In making [~~such~~] rules [~~and regulations and~~
10 providing for when and by what means fur-bearing animals may be
11 hunted, taken, captured, possessed or killed, the state game
12 commission shall give due regard to [~~the zones of temperatures~~
13 ~~and to the distribution, abundance, economic value and breeding~~
14 ~~habits of such animals. Provided~~]:

15 (1) the distribution, abundance and breeding
16 habits of fur-bearing animals;

17 (2) actual or potential depredation by fur-
18 bearing animals;

19 (3) animal disease;

20 (4) risk to human health and welfare; and

21 (5) the public interest.

22 B. The state game commission may develop separate
23 rules for public and private lands. In developing rules
24 applicable to public lands, the state game commission shall
25 consider:

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1 (1) limiting the types of trap or snare
2 devices that may be used;

3 (2) area closures for trap or snare devices;
4 and

5 (3) other such rules as deemed necessary.

6 C. When considering area closures for trap or snare
7 devices or device restrictions on public lands, the state game
8 commission shall give due regard to the:

9 (1) impact of restrictions on fur-bearing
10 animal populations;

11 (2) degree of public recreation in the area;

12 (3) proximity of the area to human population
13 centers; and

14 (4) potential impacts on non-target species.

15 D. A person who sets traps or snares on public land
16 for animals, other than non-protected species in the family
17 rodentia, shall first procure a trapper's license and shall be
18 subject to state game commission rules.

19 E. Nothing in Sections 17-5-1 through 17-5-9 NMSA
20 1978 shall:

21 (1) interfere with the authority granted to
22 the president of New Mexico state university under Sections
23 77-15-1 through 77-15-5 NMSA 1978 [~~or shall~~];

24 (2) prevent livestock producers without a
25 permit from the taking of bobcats that are doing damage to

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1 livestock; or

2 (3) prevent government employees or their
3 contractors from the lawful discharge of their official
4 duties."

5 SECTION 3. Section 17-5-5 NMSA 1978 (being Laws 1939,
6 Chapter 178, Section 5, as amended) is amended to read:

7 "17-5-5. TRAPPER'S LICENSES.--

8 A. No resident who has reached [~~his twelfth~~
9 ~~birthday~~] the age of twelve shall capture, trap or possess any
10 fur-bearing animal or attempt to do so without first procuring
11 a resident trapper's license; or, in the case of a resident who
12 has reached [~~his twelfth birthday~~] the age of twelve but not
13 [~~his eighteenth birthday~~] the age of eighteen, a resident
14 junior trapper's license.

15 B. No nonresident shall capture, trap or possess
16 any fur-bearing animal or skunk or coyote or attempt to do so
17 without first procuring a nonresident trapper's license.

18 C. No nonresident who resides in a state that does
19 not permit New Mexico residents to procure nonresident
20 trapper's licenses [~~may~~] shall purchase a New Mexico
21 nonresident trapper's license.

22 D. Trappers shall release all fur-bearing animals
23 trapped during closed seasons [~~and resident trappers who~~
24 ~~release all fur-bearing animals during open seasons need not~~
25 ~~procure a trapper's license~~].

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1 E. Trappers on official business, paid from state
2 and federal funds and under supervision of the department of
3 game and fish, the New Mexico department of agriculture or the
4 United States fish and wildlife service, need not purchase a
5 trapper's license.

6 F. Trapping of animals, both fur-bearing and
7 nongame, by a resident on private land in order to protect
8 [~~his~~] livestock or domesticated animals or fowl shall not be
9 subject to rules [~~and regulations~~] on trapping made pursuant to
10 Section 17-5-4 NMSA 1978 or to licensing requirements provided
11 in this section.

12 G. The state game commission may by regulation
13 require holders of trapper's licenses to use bobcat pelt tags
14 and may specify the conditions for use of the tags."

15 SECTION 4. Section 17-5-9 NMSA 1978 (being Laws 1939,
16 Chapter 178, Section 10, as amended) is amended to read:

17 "17-5-9. PENALTY [~~REVOCAION OF LICENSE~~]--SALE OF
18 PELTS.--Any person who violates or aids, abets or assists in
19 the violation of any provision of Sections [~~53-5-1 through~~
20 ~~53-5-10 New Mexico Statutes Annotated, 1953 Compilation~~] 17-5-1
21 through 17-5-9 NMSA 1978, or any person who makes any false
22 statement as to the residence of any applicant for a trapper's
23 license or fur dealer's license, or any nonresident who
24 fraudulently procures a resident license, is guilty of a
25 misdemeanor. [~~In addition, the department of game and fish may~~

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1 ~~revoke, for the year in which the violation occurred, the~~
2 ~~trapper's or fur dealer's license of any person convicted.]~~
3 All skins, pelts or furs involved in the violation remain the
4 property of the state and shall be sold for the benefit of the
5 game protection fund."

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