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SENATE JOINT MEMORIAL 1

**42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
1996**

**INTRODUCED BY
TOM RUTHERFORD**

A JOINT MEMORIAL

**REQUESTING THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE
COMMITTEE TO EXAMINE LAWS AGAINST POACHING TO RECOMMEND
IMPROVEMENTS FOR THE EFFECTIVE PREVENTION OF POACHING AND TO
REAFFIRM THE IMPORTANCE OF CONTROLLING THE PROBLEM OF WILDLIFE
POACHING AND ENSURING PUBLIC SAFETY.**

**WHEREAS, poaching, the illegal taking of wildlife, is a
tremendous problem in our state and in the United States; and**

**WHEREAS, poaching is done by commercial poachers stealing
wildlife for profit as well as people who do not understand
their contribution to a very serious problem, and poaching
endangers people and property; and**

**WHEREAS, poachers operate worldwide, illegally trading
wildlife parts that are worth more on the black market than**

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1 cocaine, crack cocaine and heroin. A bear's gallbladder, for
2 example, can bring up to fifty thousand dollars (\$50,000) on the
3 black market in Asia, and such illegal trade is often connected
4 to weapons and drug crimes; and

5 WHEREAS, poachers often deal in bear gallbladders, paws and
6 meat, eagle feathers, elk antlers, bobcat pelts, snake skins,
7 walrus tusks and trophy heads of many animals; and

8 WHEREAS, poachers prey particularly on western populations
9 of black bear, grizzly bear, elk, moose, deer, bighorn sheep,
10 mountain lion and snakes; and

11 WHEREAS, horrendous crimes against our wildlife heritage
12 have been committed in New Mexico; and

13 WHEREAS, the department of game and fish estimates that for
14 the twenty thousand deer taken legally each year, up to fifty
15 thousand additional deer are taken illegally; and

16 WHEREAS, overhunting and overfishing due to poaching is
17 detrimental to lawful hunting and fishing and endangers the
18 health of the whole resource; and

19 WHEREAS, poaching is often a violent crime resulting in
20 death or injury to landowners, innocent witnesses and law
21 enforcement officers and damage to property; and

22 WHEREAS, the anti-poaching laws of the states may be
23 inconsistent, ineffective and inadequately enforced; and

24 WHEREAS, penalties for poaching seem not to be a sufficient
25 deterrent to poachers; and

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1 WHEREAS, the wild friends youth of New Mexico have made
2 improvement of poaching laws a priority for action in 1996; and

3 WHEREAS, magistrate judges should receive education about
4 the seriousness of the poaching problem, its effects, and the
5 laws concerning it through the state judicial education center,
6 and magistrate judges need to enforce the fines, penalties and
7 sentences for convicted poachers; and

8 WHEREAS, magistrate judges are not well enough aware of the
9 current poaching laws and the devastating effect poaching has on
10 the state's wildlife; and

11 WHEREAS, not only their property and livestock, but the
12 very lives of farmers and ranchers are at risk from poaching
13 criminals; and

14 WHEREAS, there are not enough conservation officers to
15 cover the huge tracts of land where poaching occurs; and

16 WHEREAS, we want people living in rural areas to have a
17 greater measure of safety from the violence and property crimes
18 associated with poaching; and

19 WHEREAS, an end to poaching will require not merely a
20 vision of ideals and morality, but rather a hard objective plan
21 to be reached through public support and effort;

22 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
23 STATE OF NEW MEXICO that the courts, corrections and criminal
24 justice committee be requested to examine existing penalties for
25 poaching and to consider increasing penalties to more serious

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1 degrees of felony, including making it a felony to illegally
2 hunt on, or shoot onto, property without the owner's permission;
3 and

4 BE IT FURTHER RESOLVED that the appropriate committee be
5 requested to study revenue enhancements for wildlife law
6 enforcement through such means as the fish and wildlife
7 diversity funding initiative; and

8 BE IT FURTHER RESOLVED that public education be increased,
9 citizens be encouraged to use the operation game thief hotline
10 and that hunters be required to take hunter education classes;
11 and

12 BE IT FURTHER RESOLVED that copies of this memorial be
13 transmitted to members of the courts, corrections and criminal
14 justice committee, the department of game and fish and the
15 legislative council.

FORTY- SECOND LEGI SLATURE
SECOND SESSI ON, 1996

SJM 1/a

January 24, 1996

Mr. President:

Your JUDI CIARY COMMI TTEE, to whom has been referred

SENATE JOI NT MEMORI AL 1

has had it under consideration and reports same with
recommen dation that it DO PASS, amended as follows:

1. On page 1, between lines 16 and 17, insert:

"WHEREAS, this memorial has been written by students from the
following New Mexico schools: Alameda elementary school,
Canoncito middle school, Jefferson middle school, Laguna-Acoma
middle/seni or school, Los Lunas high school, Mori arty middle
school, Polk middle school, and Thoreau middle school; and".

2. On page 3, line 24, after "penalties" strike the remainder
of the line and line 25 and insert in lieu thereof "for poaching
and illegally hunting on, or shooting onto, property without the

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owner's permission;".

3. On page 4, strike line 1 in its entirety.

4. On page 4, line 7, after "education" insert "about the problems of poaching".

5. On page 4, line 9, after "that" strike the remainder of the line and insert in lieu thereof "hunter education about poaching be offered to all hunters;".

6. On page 4, between lines 10 and 11, insert the following:

"BE IT FURTHER RESOLVED that the judicial education center is encouraged to train magistrate judges about the enforcement of poaching laws; and".

7. On page 4, line 13, after "fish" insert ", the judicial education center".

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and thence referred to the RULES COMMITTEE.

Respectfully submitted,

Janice D. Paster, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Cisneros, Sanchez, Tsosie

Absent: None

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**FORTY- SECOND LEGI SLATURE
SECOND SESSI ON, 1996**

February 1, 1996

Mr. President:

Your **RULES COMMI TTEE**, to whom has been referred

SENATE JOINT MEMORIAL 1

has had it under consideration and reports same with
recomm~~endation~~ that it DO PASS, and thence referred to
the **CONSERVATION COMMI TTEE**.

Respectfully submitted,

Glori a Howes, Chai rman

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SJC/SJM 1

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: EJennings

Absent: 0

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**FORTY- SECOND LEGI SLATURE
SECOND SESSI ON, 1996**

February 6, 1996

Mr. President:

Your CONSERVATION COMMI TTEE, to whom has been referred

SENATE JOINT MEMORIAL 1, as amended

has had it under consideration and reports same with
recomm~~endation~~ that it DO PASS.

Respectfully submitted,

TOM R. BENAVIDES, Chair man

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Rutherford, Tsosie, Vernon, Wray

Absent: 0

SJ001C01

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**State of New Mexico
House of Representatives**

FORTY- SECOND LEGISLATURE

SECOND SESSION, 1996

February 13, 1996

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE JOINT MEMORIAL 1, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Cisco McSorley, Chairman

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Baca, Christensen, Larranaga, Luna, Sanchez, R. G.

Absent: None

SJ001JC1

Underscored material = new
~~[bracketed material] = delete~~