
DIGEST

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HB 655 Engrossed

2021 Regular Session

Brown

Abstract: Removes criminal penalties from certain Class 1, 2, and 3 wildlife violations, reclassifies violations under Classes 2 and 3, and provides procedures for the enforcement and recovery of the remaining civil penalties.

Present law provides for wildlife and fisheries violations and penalties for same under a classification system where the penalties for Class 1 violations include fines and imprisonment and the penalties for Class 2 violations include fines, imprisonment, and forfeiture of property seized in connection with the violation.

Proposed law removes the criminal penalties from all Class 1 and Class 2 violations. Proposed law further divides Class 2 violations into Class 2-A and Class 2-B violations, provides that penalties for Class 2-A violations include civil fines, and penalties for a Class 2-B violation include civil fines, forfeiture, and the revocation of privileges granted by the Dept. of Wildlife and Fisheries.

Under present law, the penalties for Class 3 violations include fines, imprisonment, forfeiture of seized property, and revocation of privileges granted by the department. The following are Class 3 violations under present law:

- (1) Violation of an emergency closure of hunting or fishing seasons
- (2) Nongame quadrupeds; breeding, propagation, and exhibition
- (3) Trespass on areas set aside for propagation of fish
- (4) Size and possession limits; commercial fish
- (5) Bowfin; size limitations; eggs
- (6) Sabine Lake; taking of crabs
- (7) Domesticated aquatic organism license violation
- (8) Larceny or other public offense concerning oyster leases
- (9) Freshwater mussels harvest reporting violation

- (10) Underutilized species violations
- (11) Any other intentional violation of wildlife and fisheries laws

Proposed law reclassifies these violations as Class 2-B violations, which are not subject to criminal penalties under present law.

Proposed law further provides for new classification of the following violations as Class 2-B violations:

- (1) License possession; menhaden
- (2) Operation of a commercial fishing vessel without a license
- (3) Temporary transfer of commercial gear licenses

Present law requires that trials regarding wildlife violations be heard in district courts of the state, which have original jurisdiction. Proposed law authorizes the department to bring civil or administrative proceedings for the recover of penalties assessed for wildlife violations and provides for venue, notice and hearing procedures, appeals, and final judgment, attorneys fees, an dedication of penalties recovered.

(Amends R.S. 56:6.1(C), 31, 32, 45, 262(J), 316(C), 326(G), 326.5(C), 410.3(B), 412(B), 423(B)(2), 450(C), 571(D), and 1851(C); Adds R.S.56:32.1, 303.2(D), 304.2(C), and 305.3(C))