

2021 Regular Session

HOUSE BILL NO. 655

BY REPRESENTATIVE BROWN

WILDLIFE/ENFORCEMENT: Provides for the removal of criminal penalties and reclassify certain wildlife violations and provide for enforcement and recovery of civil fines by the Department of Wildlife and Fisheries

1 AN ACT

2 To amend and reenact R.S. 56:6.1(C), 31, 32, 45, 262(J), 316(C), 326(G), 326.5(C),
3 410.3(B), 412(B), 423(B)(2), 450(C), 571(D), and 1851(C), and to enact R.S.56:32.1,
4 303.2(D), 304.2(C), and 305.3(C), relative to wildlife violations; to remove criminal
5 penalties from certain Class 1, 2, and 3 wildlife violations; to reclassify certain
6 violations under Class 2 and 3; to establish administrative and civil procedures
7 relative to hearings and the recovery of civil penalties by the department; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 56:6.1(C), 31, 32, 45, 262(J), 316(C), 326(G), 326.5(C), 410.3(B),
11 412(B), 423(B)(2), 450(C), 571(D), and 1851(C) are hereby amended and reenacted and
12 R.S.56:32.1, 303.2(D), 304.2(C), and 305.3(C) are hereby enacted to read as follows:

13 §6.1. Emergency closure of hunting or fishing seasons; rules and regulations;
14 prohibitions; penalties

15 * * *

16 C. Violation of any closure order authorized by this Section constitutes a
17 class ~~three~~ 2-B violation.

18 * * *

19 §31. Class one violations

1 The following penalties shall be imposed for a class one violation:

2 (1) For the first offense, a fine of fifty dollars ~~or imprisonment for not more~~
3 ~~than fifteen days, or both.~~ The fine shall include all costs of court.

4 (2) For the second offense, a fine of not less than seventy-five dollars nor
5 more than two hundred fifty dollars ~~or imprisonment for not less than thirty days nor~~
6 ~~more than sixty days, or both.~~

7 (3) For the third offense and all subsequent offenses, a fine of not less than
8 two hundred dollars nor more than five hundred fifty dollars ~~and imprisonment for~~
9 ~~not less than thirty days nor more than ninety days.~~

10 * * *

11 §32. Class two violation

12 A. Class two violations shall be divided into 2-A and 2-B violations.

13 (1) The following penalties shall be imposed for a class two 2-A violation:

14 ~~(1)(a)~~ (a) For the first offense, the fine shall be not less than one hundred dollars
15 nor more than three hundred fifty dollars, ~~or imprisonment for not more than sixty~~
16 ~~days, or both; .~~

17 ~~(2)(b)~~ (b) For the second offense, the fine shall be not less than three hundred
18 dollars, nor more than five hundred fifty dollars; ~~and imprisonment for not less than~~
19 ~~thirty days nor more than sixty days; .~~

20 ~~(3)(c)~~ (c) For the third offense and all subsequent offenses, the fine shall be not
21 less than five hundred dollars nor more than seven hundred fifty dollars, ~~and~~
22 ~~imprisonment for not less than sixty days nor more than ninety days,~~ and forfeiture
23 to the commission of anything seized in connection with the violation.

24 (2) The following penalties shall be imposed for a class 2-B violation:

25 (a) For the first offense, the fine shall be not less than two hundred fifty
26 dollars nor more than five hundred dollars.

27 (b) For the second offense, the fine shall be not less than five hundred
28 dollars, nor more than eight hundred dollars, and forfeiture to the commission of
29 anything seized in connection with the violation.

1 (c) For the third offense and all subsequent offenses, the fine shall be not less
2 than seven hundred fifty dollars, nor more than one thousand dollars, and forfeiture
3 to the commission of anything seized in connection with the violation.

4 (d) In addition to any other penalty, for a second or subsequent violation of
5 the same provision of law, the penalty imposed may include revocation of the permit
6 or license under which the violation occurred for the period for which it was issued
7 and barring of the issuance of another permit or license for that same period.

8 §32.1. Civil suit for recovery of value

9 A. The department is authorized to bring a civil action to recover the
10 penalties established by R.S. 56:31 and R.S. 56:32 in this Subpart.

11 B. The department may elect to enforce the provisions of R.S. 56:31 and R.S.
12 56:32 by adjudicatory hearing held in accordance with the provisions of the
13 Administrative Procedures Act. The department shall hold the adjudicatory hearing
14 in the regional office for the parish where the defendant is domiciled or where the
15 violation occurred. The defendant may waive the adjudicatory hearing upon payment
16 of the fine.

17 C.(1) In any case where the department elects to proceed by adjudicatory
18 hearing, the defendant shall be notified in writing of the time and place set for the
19 hearing. Written notice of the time and place of the hearing may be given on any
20 citation or summons issued in connection with the violation or made by certified
21 letter mailed to the defendant at his last known address or at the address that appears
22 on any hunting or fishing license issued to him by the department. The summons or
23 written notice shall constitute notice to the defendant that the failure to appear at the
24 specified time and location shall result in the assessment of civil penalties and the
25 loss of all hunting and fishing privileges while assessed amounts remain unpaid.
26 Notice given by certified mail in accordance with this Subsection shall be deemed
27 effective fifteen days after the notice is postmarked and mailed.

28 (2). Either party may appeal from a ruling of the administrative hearing
29 officer to the district court in the judicial district where the offense occurred.

1 §423. Property rights, larceny or other public offense concerning; leases heritable
2 and transferable; adjudication of claims

3 * * *

4 B.

5 * * *

6 (2) No person shall trawl or seine or use skimmer nets over any area of
7 privately leased bedding grounds or oyster propagating place in the year immediately
8 following the seeding of such area which is staked off, marked, or posted as required
9 by law or regulation. Any person who knowingly trawls or uses skimmer nets upon
10 such marked areas shall be liable for damages caused to the lessee. A violation of
11 this Paragraph shall be a class ~~three~~ 2-B violation.

12 * * *

13 §450. Freshwater mussels; rules; penalties

14 * * *

15 C. Any violation of rules pertaining to the harvest and sale of freshwater
16 mussels shall constitute a class four violation, R.S. 56:34. Any violation of harvest
17 reporting requirements shall constitute a class ~~three~~ 2-B violation, ~~R.S. 56:33~~. R.S.
18 56:32(A)(2).

19 * * *

20 §571. Underutilized species, policy and purpose; permits; fees; rules and regulations

21 * * *

22 D. Violation of any of the provisions of this Section constitutes a class ~~three~~
23 2-B violation.

24 * * *

25 §1851. Penalties and enforcement

26 * * *

27 C. Unless otherwise provided by this Part, intentional violation of the
28 provisions of this Part constitutes a class ~~three~~ 2-B violation, ~~subject to the penalties~~

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))