

**ACT No. 241**

2021 Regular Session

HOUSE BILL NO. 655

BY REPRESENTATIVE BROWN

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

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

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

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

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

4 \* \* \*

5 §32. Class two violation

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

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

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

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

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

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

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

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

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

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

1           §32.1. Civil suit for recovery of value

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

4                   B. The department may elect to enforce the provisions of R.S. 56:31 and R.S.  
5                   56:32 by adjudicatory hearing held in accordance with the provisions of the  
6                   Administrative Procedures Act. The department shall hold the adjudicatory hearing  
7                   in the regional office for the parish where the defendant is domiciled or where the  
8                   violation occurred. The defendant may waive the adjudicatory hearing upon payment  
9                   of the fine.

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

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

23                   (3) Once all appeals deadlines have expired, a ruling of the administrative  
24                   law judge shall be considered final for the purposes of debt recovery or collection.

25                   D. Except for first offenses of class one violations, the person against whom  
26                   the civil penalties are assessed shall also be liable for attorney fees and all costs of  
27                   the adjudicatory hearing.

28                   E. Any recovery of civil penalties shall be immediately deposited to the  
29                   Conservation Fund of the Department of Wildlife and Fisheries.

30   \*       \*       \*

1 §45. Jurisdiction of trial of violations

2 Except as provided in R.S. 56:32.1, the ~~The~~ district courts of this state shall  
3 have original jurisdiction of the trial of persons charged with violations of this  
4 Chapter.

5 \* \* \*

6 §262. Nongame quadrupeds; breeding, propagation, and exhibition

7 \* \* \*

8 J. Violation of this Section constitutes a class ~~three~~ 2-B violation.

9 \* \* \*

10 §303.2. License possession; menhaden

11 \* \* \*

12 D. Violation of any of the provisions of this Section constitutes a class 2-B  
13 violation.

14 \* \* \*

15 §304.2. Operation by person not holding a commercial fisherman's license

16 \* \* \*

17 C. Violation of any of the provisions in this Section constitutes a class 2-B  
18 violation.

19 \* \* \*

20 §305.3. Temporary transfer of commercial gear licenses

21 \* \* \*

22 C. Violation of any of the provisions in this Section constitutes a class 2-B  
23 violation.

24 \* \* \*

25 §316. Trespass on areas set aside for propagation of fish

26 \* \* \*

27 C. Violation of any of the provisions of this Section constitutes a class ~~three~~  
28 2-B violation.

29 \* \* \*

1 §326. Size and possession limits; commercial fish

2 \* \* \*

3 G. Violation of any provision of this Section for which no penalty has been  
4 specifically provided constitutes a class ~~three~~ 2-B violation.

5 \* \* \*

6 §326.5. Bowfin; size limitations; eggs

7 \* \* \*

8 C. Violation of this Section constitutes a class ~~three~~ 2-B violation.

9 \* \* \*

10 §410.3. Sabine Lake; taking of crabs; seasons; gear; penalties

11 \* \* \*

12 B. Violation of any rule or regulation adopted and promulgated by the  
13 commission in accordance with the provisions of Subsection A of this Section  
14 constitutes a class ~~three~~ 2-B violation.

15 \* \* \*

16 §412. Issuance and renewal of domesticated aquatic organism license

17 \* \* \*

18 B. Violation of any of the provisions of this Section constitutes a class ~~three~~  
19 2-B violation.

20 \* \* \*

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

23 \* \* \*

24 B.

25 \* \* \*

26 (2) No person shall trawl or seine or use skimmer nets over any area of  
27 privately leased bedding grounds or oyster propagating place in the year immediately  
28 following the seeding of such area which is staked off, marked, or posted as required  
29 by law or regulation. Any person who knowingly trawls or uses skimmer nets upon

1 such marked areas shall be liable for damages caused to the lessee. A violation of  
2 this Paragraph shall be a class ~~three~~ 2-B violation.

3 \* \* \*

4 §450. Freshwater mussels; rules; penalties

5 \* \* \*

6 C. Any violation of rules pertaining to the harvest and sale of freshwater  
7 mussels shall constitute a class four violation, R.S. 56:34. Any violation of harvest  
8 reporting requirements shall constitute a class ~~three~~ 2-B violation, ~~R.S. 56:33~~. R.S.  
9 56:32(A)(2).

10 \* \* \*

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

12 \* \* \*

13 D. Violation of any of the provisions of this Section constitutes a class ~~three~~  
14 2-B violation.

15 \* \* \*

16 §1851. Penalties and enforcement

17 \* \* \*

18 C. Unless otherwise provided by this Part, intentional violation of the  
19 provisions of this Part constitutes a class ~~three~~ 2-B violation, ~~subject to the penalties~~  
20 ~~provided in R.S. 56:33~~; however, there shall be no forfeiture of anything seized in  
21 connection with the violation.

22 \* \* \*

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_