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 <u>2-B</u> 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.

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### **ENROLLED**

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) 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	<del>days, or both;</del> .
11	(2)(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) 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.

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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	$\underline{C.(1)}$ 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	* * *

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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	<u>2-B</u> violation.
29	* * *

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	HB NO. 655 ENROLLED
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 <u>2-B</u> 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	<u>2-B</u> violation.
20	* * *
21	§423. Property rights, larceny or other public offense concerning; leases heritable
22	and transferable; adjudication of claims
23	* * *
24	В.
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

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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 <u>2-B</u> violation, <del>R.S. 56:33.</del> <u>R.S.</u>
9	<u>56:32(A)(2).</u>
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	<u>2-B</u> 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 <u>2-B</u> 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	* * *

### SPEAKER OF THE HOUSE OF REPRESENTATIVES

## PRESIDENT OF THE SENATE

### GOVERNOR OF THE STATE OF LOUISIANA

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

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