

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 §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 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____