

RÉSUMÉ DIGEST

ACT 241 (HB 655)

2021 Regular Session

Brown

Existing law provides a classification system for wildlife and fisheries violations, where each class of violation is subject to certain penalties.

Prior law provided that Class 1 violations were subject to the penalties of fines and imprisonment.

New law removes the penalty of imprisonment for Class 1 violations.

Prior law provided that Class 2 violations were subject to penalties of fines, imprisonment, and the forfeiture of seized property.

New law removes the penalty of imprisonment for Class 2 violations and divides this classification into Class 2-A and Class 2-B. Under new law, the penalties imposed for Class 2-A violations are fines and the penalties imposed for Class 2-B violations are fines, the forfeiture of seized property, and the revocation of permit or license privileges.

New law classifies violations under the following provisions as Class 2-B violations:

- (1) License possession; menhaden.
- (2) Operation by person not holding a commercial fisherman's license.
- (3) Temporary transfer of commercial gear licenses.

Existing law designates certain wildlife and fisheries violations as Class 3 violations, the penalties for which include fines, imprisonment, the forfeiture of seized property, and the revocation of permit or license privileges.

New law reclassifies certain violations under the following provisions from Class 3 violations to Class 2-B violations:

- (1) Emergency closure of hunting or fishing seasons; rules and regulations; prohibitions; penalties.
- (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; seasons; gear; penalties.
- (7) Issuance and renewal of domesticated aquatic organism license.
- (8) Property rights, larceny or other public offense concerning; leases heritable and transferable; adjudication of claims.
- (9) Freshwater mussels; rules; penalties.
- (10) Underutilized species, policy and purpose; permits; fees; rules and regulations.

New law authorizes the department to bring a civil action or elect to proceed with administrative proceedings regarding Class 1 and Class 2 violations and provides for venue, notice, hearings, appeals, final judgment, attorneys fees, and the dedication of penalties recovered.

Prior law gave original jurisdiction over the trial of persons charged with wildlife and fisheries violations to the district courts of the state.

New law provides an exception to the district court's original jurisdiction for violations that the department elects to enforce through administrative proceedings.

Effective Aug. 1, 2021.

(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))