

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

RELATING TO WILDLIFE; ENACTING THE WILDLIFE CONSERVATION AND PUBLIC SAFETY ACT; PROVIDING FOR RESTRICTIONS ON THE USE OF TRAPS, SNARES AND POISONS; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new Section 17-11-1 NMSA 1978 is enacted to read:

"17-11-1. SHORT TITLE.--Chapter 17, Article 11 NMSA 1978 may be cited as the "Wildlife Conservation and Public Safety Act"."

SECTION 2. A new Section 17-11-2 NMSA 1978 is enacted to read:

"17-11-2. DEFINITIONS.--As used in the Wildlife Conservation and Public Safety Act:

A. "bona fide scientific research" means a research project that is not being conducted for commercial gain from the sale of animal parts and that is conducted by employees or contractors of the department or authorized by a scientific collection permit from the department;

B. "cage trap" means a trap that captures a live animal but does not grip an animal's body or body part and is not intended to kill the animal, including a live trap, a cage or box trap, a colony trap, a net and a suitcase-type live beaver trap, but does not include a corral;

1 C. "department" means the department of game and
2 fish;

3 D. "depredation trapping" means the act of setting
4 traps, snares or poisons on public land to reduce or prevent
5 damage caused by wildlife to property or waterways, including
6 harvested and stored crops and livestock;

7 E. "domestic animal" means any animal that is bred
8 for and is typically subject to human control;

9 F. "ecosystem management" means actions that are
10 necessary to maintain or increase the long-term
11 sustainability and integrity of an entire system of living
12 wildlife and their environment, including the restoration and
13 conservation of wildlife populations and habitat, wildlife
14 relocation, medical treatment of wildlife and the protection
15 of threatened or endangered species;

16 G. "feral animal" means a domestic animal existing
17 in an untamed state outside captivity or domestication and
18 not under human control;

19 H. "government entity" means a local, state or
20 federal government body or agency, a political subdivision of
21 the state or an employee, agent or representative of the
22 body, agency or political subdivision when acting within the
23 scope of its governmental duties, but does not include an
24 Indian nation, tribe or pueblo;

25 I. "leghold trap" means a spring-actuated device,

1 either padded or unpadded, designed to capture an animal by
2 the foot, leg or other limb, including a steel-jawed leghold
3 trap, a padded-jaw leghold trap, a foot-hold trap, an egg
4 trap, a duffer trap and all other similar traps;

5 J. "lethal body-gripping trap" means a rotating
6 jaw trap designed to capture an animal by the body that is
7 intended to fatally crush or otherwise kill the animal and
8 includes conibear traps and all other similar traps;

9 K. "public land" means state-owned land,
10 state-leased land, lands held in trust by the state, lands
11 administered by the United States fish and wildlife service,
12 the United States forest service, the federal bureau of land
13 management, the national park service, the United States
14 department of defense, state parks and any county or
15 municipality, but does not include the interior of physical
16 structures or land belonging to or held in trust for an
17 Indian nation, tribe or pueblo;

18 L. "snare" means a wire or cable with a single
19 closing device, often with a noose, with or without stops,
20 that is used to capture, strangle or otherwise entangle an
21 animal, but does not include use of a catch pole, leash or
22 tether lawfully used by a person to temporarily restrain or
23 relocate an animal;

24 M. "trap" includes a leghold trap, lethal
25 body-gripping trap or cage trap;

1 N. "wildlife" means a member of a vertebrate
2 species that is native to or found in New Mexico that is not
3 under the direct control of a human or in captivity, but does
4 not include a feral or escaped domestic animal; and

5 O. "wildlife poison" means an explosive compound
6 or deleterious substance used in a manner intended to kill
7 wildlife."

8 SECTION 3. A new Section 17-11-3 NMSA 1978 is enacted
9 to read:

10 "17-11-3. PROHIBITIONS ON PUBLIC LAND.--It is a
11 violation of the Wildlife Conservation and Public Safety Act
12 to use a trap, snare or wildlife poison for purposes of
13 capturing, injuring or killing an animal on public land
14 except as provided in Section 17-11-4 NMSA 1978."

15 SECTION 4. A new Section 17-11-4 NMSA 1978 is enacted
16 to read:

17 "17-11-4. EXCEPTIONS.--The provisions of the Wildlife
18 Conservation and Public Safety Act do not apply to:

19 A. the taking of wildlife with firearms, fishing
20 equipment, archery equipment, falconry equipment or other
21 implements in hand, when used as authorized by law;

22 B. the taking or control of birds, fish or rodents
23 not defined as furbearers in Section 17-5-2 NMSA 1978;

24 C. a government entity acting in the course of its
25 official duties to prevent or mitigate actual threats to

1 human health and safety;

2 D. ecosystem management conducted by the
3 department, the United States fish and wildlife service or a
4 conservancy district of the state or its employee, agent or
5 representative acting in the course of its official duties;

6 E. bona fide scientific research;

7 F. depredation trapping conducted by the
8 department or a designated agent of the department using
9 non-lethal traps or non-lethal snares, but only when
10 accompanied by visible signs at the location of each device
11 notifying the public of the presence of such devices;

12 G. the use of cage traps to recover or to provide
13 veterinary care or husbandry to a domestic animal or feral
14 animal as authorized by law, or to abate damages caused by
15 any animal to property, crops or livestock; provided that:

16 (1) once the damage has been abated, use of
17 the cage trap shall cease; and

18 (2) any captured animal is disposed of in
19 accordance with rules established by the department or
20 appropriate animal agency; or

21 H. enrolled members of a federally recognized
22 Indian nation, tribe or pueblo when trapping is conducted
23 solely for religious or ceremonial purposes pursuant to rules
24 issued by the department of game and fish in collaboration
25 with the secretary of Indian affairs and consistent with

1 federal procedures for recognition and protection of
2 bona fide Indian nation, tribe or pueblo religious
3 ceremonies."

4 SECTION 5. A new Section 17-11-5 NMSA 1978 is enacted
5 to read:

6 "17-11-5. PENALTIES.--

7 A. A person who violates the Wildlife Conservation
8 and Public Safety Act is guilty of a misdemeanor. Each
9 individual trap, snare or application of wildlife poison
10 shall constitute a single violation of that act.

11 B. Any penalties under this section shall be
12 cumulative to any other available penalties provided by law.

13 C. In addition to other penalties, upon
14 conviction, the court may consider appropriate restitution to
15 a state agency that incurs costs in enforcing the Wildlife
16 Conservation and Public Safety Act."

17 SECTION 6. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is April 1, 2022. _____

19
20
21
22
23
24
25