

HOUSE BILL 536

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Richard D. Vigil

AN ACT

RELATING TO GAME ANIMALS; PROVIDING AUTHORITY TO ESTABLISH  
CIVIL PENALTIES FOR UNLAWFUL DISPOSITION OF A TROPHY ANIMAL;  
AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 17-2-26 NMSA 1978 (being Laws 1912,  
Chapter 85, Section 45, as amended) is amended to read:

"17-2-26. CIVIL LIABILITY.--

A. The director of the department of game and fish,  
or any other officer charged with enforcement of the laws  
relating to game and fish if so directed by the director, may  
bring a civil action in the name of the state against any  
person unlawfully wounding or killing, or unlawfully in  
possession of, any game quadruped, bird or fish, or part  
thereof ~~and~~. The state game commission shall establish

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underscoring material = new  
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1 damages recoverable by civil judgment on a game animal, bird or  
2 fish designated to be a trophy animal by commission rule. The  
3 damages recovered shall not be limited or reduced by the extent  
4 of fines assessed under any criminal statute. The director of  
5 the department of game and fish, or any other officer  
6 designated by the director, shall recover judgment for the  
7 following minimum sums, unless a higher minimum is established  
8 by the state game commission, as [~~damage~~] damages for the  
9 taking, killing or injuring:

10	for each elk-----	\$ 500.00
11	for each deer-----	250.00
12	for each antelope-----	250.00
13	for each mountain sheep-----	1,000.00
14	for each Barbary sheep-----	250.00
15	for each black bear-----	500.00
16	for each cougar-----	500.00
17	for each bison-----	600.00
18	for each ibex-----	1,000.00
19	for each oryx-----	1,000.00
20	for each javelina-----	100.00
21	for each beaver-----	65.00
22	for each bird-----	20.00
23	for each fish-----	5.00
24	for each endangered species-----	500.00
25	for each raptor-----	200.00

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underscored material = new  
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1 for each turkey----- 150.00  
2 for each jaguar----- 2,000.00.

3 B. The department of game and fish shall not award  
4 or issue a license, permit or certificate to a debtor owing  
5 damages pursuant to Subsection A of this section until the  
6 judgment has been paid in full to the department.

7 [~~B.~~] C. No verdict or judgment recovered by the  
8 state in an action shall be for less than the sum fixed in this  
9 section. The action for damages may be joined with an action  
10 for possession, and recovery may be had for the possession as  
11 well as the damages.

12 [~~C.~~] D. The pendency or determination of an action  
13 for damages or payment of a judgment, or the pendency or  
14 determination of a criminal prosecution for the same taking,  
15 wounding, killing or possession, is not a bar to the other, nor  
16 does either affect the right of seizure under any other  
17 provision of the laws relating to game and fish.

18 [~~D.~~] E. The provisions of this section shall not be  
19 interpreted to prevent, constrain or penalize a Native American  
20 for engaging in activities for religious purposes, as provided  
21 in Section 17-2-14 or 17-2-41 NMSA 1978.

22 [~~E.~~] F. The provisions of this section shall not  
23 apply to a landowner or lessee, or employee of either [~~of~~  
24 ~~them~~], who kills an animal, on private land in which [~~they~~  
25 ~~have~~] the person has an ownership or leasehold interest, that

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[bracketed material] = delete

1 is threatening human life or damaging or destroying property,  
2 including crops; provided, however, that the killing is  
3 reported to the department of game and fish within twenty-four  
4 hours and before the removal of the carcass of the animal  
5 killed; and provided further that all actions authorized in  
6 this subsection are carried out according to [~~regulations~~]  
7 rules of the department."

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