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FISCAL IMPACT REPORT

ORIGINAL DATE 1-30-06
 LAST UPDATED 2-5-06 HB _____

SPONSOR Sanchez, M.

SHORT TITLE Prohibit Computer-Assisted Hunting SB 157/aSJC

ANALYST Woods

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Game and Fish (DGF)
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of SJC Amendment

Senate Judiciary Amendment to SB157 amends the legislation as follows:

1. On page 2, line 1, after the semicolon insert "or".
2. On page 2, line 3, strike "; or" and insert in lieu thereof a period.
3. On page 2, strike lines 4 through 6 in their entirety.

Senate Judiciary Amendment to SB157 attaches no additional appropriation to the legislation.

Synopsis of Original Bill

Senate Bill 157, which relates to Game and Fish; Prohibiting Computer-Assisted Hunting of Animals or Birds; Providing Penalties, seeks to enact:

Section 1. A new section of Chapter 17, Article 3 NMSA 1978, as follows:

"[NEW MATERIAL] COMPUTER-ASSISTED REMOTE HUNTING PROHIBITED--
PENALTIES.--

A. A person shall not:

- (1) engage in computer-assisted remote hunting;
- (2) provide or operate facilities for the purpose of computer-assisted remote hunting;
- (3) create, maintain, provide, advertise or sell computer software or an internet web site for the purpose of computer-assisted remote hunting;
- (4) entice, possess or confine an animal or bird for the purpose of computer-assisted remote hunting; or
- (5) import into or export from this state an animal or bird, or any part of an animal or bird, that is taken or captured by computer-assisted remote hunting.

B. A person who violates the provisions of this section shall be sentenced in accordance with the provisions of Section 17-2-10 NMSA 1978.

C. When a person who violates the provisions of this section possesses a license, certificate or permit issued by the state game commission, the license, certificate or permit shall be subject to revocation by the commission pursuant to Sections 17-1-14 and 17-3-34 NMSA 1978.

D. As used in this section:

- (1) "computer-assisted remote hunting" means the use of a computer or other electronic device, equipment or software to access the internet and remotely control the aiming and discharge of a bow, crossbow or firearm of any kind for the purpose of hunting, taking or capturing an animal or bird; and
- (2) "facilities for computer-assisted remote hunting" means the real property and improvements on the property associated with computer-assisted remote hunting, including hunting blinds, offices and rooms equipped to facilitate computer-assisted remote hunting."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.

There is no appropriation attached to this legislation.

FISCAL IMPLICATIONS

The Department of Game and Fish (DGF) indicates that there will be little, if any, revenues generated from this bill. Anyone violating the provisions of this bill would be subject to prosecution in magistrate court. If fined, the court money is routed to the education fund. Only civil penalties for illegally taking game are routed back to Game Protection Fund (516). This is estimated to be very low as the Department has not received a report of anyone hunting in this manner in

New Mexico. There may be a very minimal cost in investigating and prosecuting individuals that violate this prohibition. This cost is easily absorbed as Conservation Officers are already stationed in the field and routinely check people for compliance and investigate alleged violations of Chapter 17.

SIGNIFICANT ISSUES

DGF adds that this bill makes in it a misdemeanor crime to participate in internet or computer-assisted hunting. Specifically, the bill makes it illegal for any one to participate in computer-assisted remote hunting, provide or operate facilities, advertise, create, maintain or sell an internet website or computer software for this prohibited purpose. It makes it illegal to entice, possess, confine an animal or bird for the purposes of computer-assisted hunting; to import or export (including parts) an animal or bird for purposes of taking by computer-assisted hunting.

TECHNICAL ISSUES

DGF notes that this bill would make it illegal to take, capture or kill all animals and birds including protected game, non-protected game and birds as well as domestic animals and livestock by computer-assisted hunting. Page 2, line 20 states... for the purpose of hunting, taking or capturing an animal or bird. Likewise Page 2, line 2 refers to an animal or bird. And again on Page 2, line 4-5 refers to an animal or bird. This would mean that rabbits, skunks, coyotes, dogs, cats, pigeons, chickens, horses, as well as cougars, bears or elk could not be taken, captured or killed with the aid of internet remote computer technology. Even nuisance or problem animals (wild or domestic) could not be killed, taken or captured by internet hunting.

Traditionally, the Department by and through Conservation Officers actively enforce Chapter 17 laws and rules related to protected game, fish and birds and furbearers. Some limited enforcement is also carried out on threatened and endangered species as well as other wild by nature animals. Conservation Officers do not enforce laws on domestic and livestock animals. Enforcement of domestic animals is currently carried out by municipalities, livestock board and other agencies with jurisdiction. This bill will establish that Conservation Officers actively investigate and prosecute anyone that participates in computer-assisted hunting, no matter what type of animal or bird it is including livestock like goats, chickens or horses, and domestic animals like dogs or cats. If it is the intent of this bill to have Conservation Officers investigate and prosecute anyone who attempts to kill, take or capture by computer-assisted hunting, then the bill is correct. If this is not the intent, then the scope of authority or limitation on the type of animal and bird this applies to needs to be changed.

BW/nt