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## FISCAL IMPACT REPORT

**SPONSOR** Baldonado **ORIGINAL DATE** 01/24/14  
**LAST UPDATED** 02/19/14 **HB** 128/aSCONC

**SHORT TITLE** Hunting & Fishing Infraction Penalties **SB** \_\_\_\_\_

**ANALYST** Weber/Chabot

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY14	FY15	FY16		
	\$48.0	\$48.0	Recurring	Game Protection

(Parenthesis ( ) Indicate Revenue Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		\$48.0	\$48.0	\$96.0	Recurring	Game Protection

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
 State Land Office (SLO)  
 Department of Game and Fish (DGF)

### SUMMARY

#### Synopsis of SCONC Amendment

The Senate Conservation Committee amendment to House Bill 128 strikes Sections 1 and 3 from the bill. This eliminates provisions for exceptions to the bill which prohibits unlawful taking of big game and waste of game. It also eliminates the identification of individual penalties for specific animals and leaves the existing penalty assessments.

#### Synopsis of Original Bill

House Bill 128 amends Section 17-2-8 NMSA 1978 to make it a fourth degree felony for a person to take or kill a bighorn sheep, ibex, oryx, Barbary sheep, elk, deer or pronghorn antelope

outside of the legal season or without a valid license when it results in the waste of the animal. Waste of the animal consists of removing from the animal only the head, antlers or horns or leaving any of the four quarters, back straps or tenderloins of the carcass to waste. This bill effectively defines in statute what constitutes waste of the animal, eliminating the need for State Game Commission rule to further define this waste. Sentencing will be in accordance with Section 31-18-15 NMSA 1978, which provides for imprisonment up to 18 months and a fine of up to \$5,000 for conviction of a fourth degree felony.

In addition, the bill changes the language in Section 17-2-10 NMSA 1978 to ensure that the potential incarceration for the misdemeanor violations in this statute is consistent with the misdemeanor sentencing authority under Section 31-19-1 NMSA 1978.

The bill also adds the following minor game and fish violations as penalty assessment violations with the following fines: Fishing, hunting or trapping without the proper stamp or validation - \$50.00. Manner and method infractions established by the State Game Commission -\$125.00.

For each penalty assessment collected, the violator will also have to pay the cost of the appropriate stamp or validation that the violator failed to produce.

### **FISCAL IMPLICATIONS**

DGF reports that the two penalty assessment violations currently specified in Section 17-2-10.1, approximately 330 of the 600 people that choose the penalty assessment option pay their assessment, resulting in a 55 percent annual compliance rate. Those offenders that do not pay their penalty assessment are subject to revocation of their hunting, fishing and trapping license privileges in accordance with state law and State Game Commission rule.

DGF estimates that the new categories of penalty assessments may result in 500 to 700 violators selecting the penalty assessment option for manner and method violations and 100 to 200 violators selecting the penalty assessment option for stamp or validation violations. If the 55 percent compliance rate is assumed, an estimated \$37,125 to \$53,625 in assessments will be collected.

Currently, revenues from the penalty assessments are virtually equal to expenses to the Department in administering the program. These expenses are attributable to tracking payments, personnel time, postage and equipment. The Department expects that the increased costs created by the additional penalty assessments will be offset by the estimated additional revenues.

### **SIGNIFICANT ISSUES**

DGF reports that there are continual complaints from individuals receiving citations for minor violations, who state that they would like the ability to send in a payment of a fine without having to go to court – just like with a traffic citation. Currently, they have to take off of work and travel to a magistrate court, which is often not in the same vicinity as their place of residence. Sportsmen and women often incur hundreds of dollars in time and fuel costs when taking care of minor violations such as not purchasing a five dollar stamp.

In addition to the potential benefits to hunters and anglers, penalty assessment options reduce the amount of time department conservation officers spend preparing, traveling and appearing in

court, and thus would allow them to spend more time in the field protecting and managing New Mexico's wildlife resources, ensuring public safety and providing service, support and outreach to schools, students, sports men and women, landowners and citizens in general.

There are 7 western states (Arizona, Colorado, Idaho, Nevada, Texas, Utah and Washington) that have felony provisions relating to the taking of state game or fish resources. DGF finds approximately 100 big game animals per year that are poached for their heads, horns or antlers. If the fine and punishment remains the same, the number of these illegally killed animals is expected to remain high. Creating a felony for specific types of waste of game will likely have an immediate affect and deter many individuals from poaching just for antlers and horns.

MW/jl:svb