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AN ACT

RELATING TO GAME AND FISH; AMENDING SECTIONS OF CHAPTER 17
NMSA 1978 TO PROVIDE STRICTER PENALTIES FOR MAJOR VIOLATIONS.

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

SECTION 1. Section 17-2-8 NMSA 1978 (being Laws 1977,
Chapter 70, Section 1) is amended to read:

"17-2-8. UNLAWFUL TAKING OF BIG GAME AND WASTE OF
GAME.--

A. It is unlawful for any person:

(1) who hunts or fishes and takes any game
mammal designated in Paragraphs (2), (3) or (4) of Subsection
A of Section 17-2-3 NMSA 1978, any game bird or any game fish
to fail to transport the edible portions of the meat obtained
to the person's home for human consumption or to provide for
the human consumption thereof under any commission
regulations pertaining to exportation, transportation and
donation of game;

(2) who wounds or may have wounded any game
mammal designated in Paragraphs (2), (3) or (4) of Subsection
A of Section 17-2-3 NMSA 1978 to fail to go to the place
where the mammal sustained or may have sustained the wound
and make a reasonable attempt to track the mammal and reduce
it to possession; or

(3) to take or kill a bighorn sheep, ibex,

1 oryx, Barbary sheep, elk, deer or pronghorn antelope outside
2 of the legal season or without a valid license, which taking
3 or killing results in waste of the animal. Waste of the
4 animal consists of removing from the animal only the head,
5 antlers or horns or abandoning any of the four quarters,
6 backstraps or tenderloins of the carcass. A violation of the
7 provisions of this paragraph is intended to be separate from
8 and cumulative to any other violation of Chapter 17 NMSA
9 1978.

10 B. Violation of Paragraph (3) of Subsection A of
11 this section is a fourth degree felony pursuant to Section
12 31-18-15 NMSA 1978, and violation of Paragraph (1) or (2) of
13 Subsection A of this section is a misdemeanor pursuant to
14 Section 17-2-10 NMSA 1978."

15 SECTION 2. Section 17-2-10 NMSA 1978 (being Laws 1931,
16 Chapter 117, Section 7, as amended) is amended to read:

17 "17-2-10. VIOLATION OF GAME AND FISH LAWS OR RULES--
18 PENALTIES.--

19 A. A person violating any of the provisions of
20 Chapter 17 NMSA 1978, except for the felony provision of
21 Section 17-2-8 NMSA 1978, or any rules adopted by the state
22 game commission that relate to the time, extent, means or
23 manner that game animals, birds or fish may be hunted, taken,
24 captured, killed, possessed, sold, purchased or shipped is
25 guilty of a misdemeanor and upon conviction shall be

1 sentenced pursuant to Section 31-19-1 NMSA 1978. In
2 addition, the person shall be sentenced to the payment of a
3 fine in accordance with the following schedule:

4 (1) for illegally taking, attempting to
5 take, killing, capturing or possessing of each deer,
6 antelope, javelina, bear or cougar during a closed season, a
7 fine of four hundred dollars (\$400);

8 (2) for illegally taking, attempting to
9 take, killing, capturing or possessing of each elk, bighorn
10 sheep, oryx, ibex or Barbary sheep, a fine of one thousand
11 dollars (\$1,000);

12 (3) for hunting big game without a proper
13 and valid license, lawfully procured, a fine of one hundred
14 dollars (\$100);

15 (4) for exceeding the bag limit of any big
16 game species, a fine of four hundred dollars (\$400);

17 (5) for attempting to exceed the bag limit
18 of any big game species by the hunting of any big game animal
19 after having tagged a similar big game species, a fine of two
20 hundred dollars (\$200);

21 (6) for signing a false statement to procure
22 a resident hunting or fishing license when the applicant is
23 residing in another state at the time of application for a
24 license, a fine of four hundred dollars (\$400);

25 (7) for using a hunting or fishing license

1 issued to another person, a fine of one hundred dollars
2 (\$100);

3 (8) for a violation of Section 17-2-31 NMSA
4 1978, a fine of three hundred dollars (\$300);

5 (9) for selling, offering for sale, offering
6 to purchase or purchasing any big game animal, unless
7 otherwise provided by Chapter 17 NMSA 1978, a fine of one
8 thousand dollars (\$1,000);

9 (10) for illegally taking, attempting to
10 take, killing, capturing or possessing of each jaguar, a fine
11 of two thousand dollars (\$2,000); and

12 (11) for a violation of the provisions of
13 Subsection A of Section 17-2A-3 NMSA 1978, a fine of five
14 hundred dollars (\$500).

15 B. A person convicted a second time for violating
16 any of the provisions of Chapter 17 NMSA 1978, except for the
17 felony provision of Section 17-2-8 NMSA 1978, or any rules
18 adopted by the state game commission that relate to the time,
19 extent, means or manner that game animals, birds or fish may
20 be hunted, taken, captured, killed, possessed, sold,
21 purchased or shipped is guilty of a misdemeanor and upon
22 conviction shall be sentenced pursuant to Section 31-19-1
23 NMSA 1978. In addition, the person shall be sentenced to the
24 payment of a fine in accordance with the following schedule:

25 (1) for illegally taking, attempting to

1 take, killing, capturing or possessing of each deer,
2 antelope, javelina, bear or cougar during a closed season, a
3 fine of six hundred dollars (\$600);

4 (2) for illegally taking, attempting to
5 take, killing, capturing or possessing of each elk, bighorn
6 sheep, oryx, ibex or Barbary sheep, a fine of one thousand
7 five hundred dollars (\$1,500);

8 (3) for hunting big game without a proper
9 and valid license, lawfully procured, a fine of four hundred
10 dollars (\$400);

11 (4) for exceeding the bag limit of any big
12 game species, a fine of six hundred dollars (\$600);

13 (5) for attempting to exceed the bag limit
14 of any big game species by the hunting of any big game animal
15 after having tagged a similar big game species, a fine of six
16 hundred dollars (\$600);

17 (6) for signing a false statement to procure
18 a resident hunting or fishing license when the applicant is
19 residing in another state at the time of application for a
20 license, a fine of six hundred dollars (\$600);

21 (7) for using a hunting or fishing license
22 issued to another person, a fine of two hundred fifty dollars
23 (\$250);

24 (8) for a violation of Section 17-2-31 NMSA
25 1978, a fine of five hundred dollars (\$500);

1 (9) for selling, offering for sale, offering
2 to purchase or purchasing any big game animal, unless
3 otherwise provided by Chapter 17 NMSA 1978, a fine of one
4 thousand five hundred dollars (\$1,500);

5 (10) for illegally taking, attempting to
6 take, killing, capturing or possessing of each jaguar, a fine
7 of four thousand dollars (\$4,000); and

8 (11) for a violation of the provisions of
9 Subsection A of Section 17-2A-3 NMSA 1978, a fine of one
10 thousand dollars (\$1,000).

11 C. Notwithstanding the provisions of Section
12 31-18-13 NMSA 1978, a person convicted a third or subsequent
13 time for violating any of the provisions of Chapter 17 NMSA
14 1978, except for the felony provision of Section 17-2-8 NMSA
15 1978, or any rules adopted by the state game commission that
16 relate to the time, extent, means or manner that game
17 animals, birds or fish may be hunted, taken, captured,
18 killed, possessed, sold, purchased or shipped is guilty of a
19 misdemeanor and upon conviction shall be sentenced to
20 imprisonment in the county jail for a term of not less than
21 ninety days, which shall not be suspended or deferred. In
22 addition, the person shall be sentenced to the payment of a
23 fine in accordance with the following schedule:

24 (1) for illegally taking, attempting to
25 take, killing, capturing or possessing of each deer,

1 antelope, javelina, bear or cougar during a closed season, a
2 fine of one thousand two hundred dollars (\$1,200);

3 (2) for illegally taking, attempting to
4 take, killing, capturing or possessing of each elk, bighorn
5 sheep, oryx, ibex or Barbary sheep, a fine of three thousand
6 dollars (\$3,000);

7 (3) for hunting big game without a proper
8 and valid license, lawfully procured, a fine of one thousand
9 dollars (\$1,000);

10 (4) for exceeding the bag limit of any big
11 game species, a fine of one thousand two hundred dollars
12 (\$1,200);

13 (5) for attempting to exceed the bag limit
14 of any big game species by the hunting of any big game animal
15 after having tagged a similar big game species, a fine of one
16 thousand dollars (\$1,000);

17 (6) for signing a false statement to procure
18 a resident hunting or fishing license when the applicant is
19 residing in another state at the time of application for a
20 license, a fine of one thousand two hundred dollars (\$1,200);

21 (7) for using a hunting or fishing license
22 issued to another person, a fine of one thousand dollars
23 (\$1,000);

24 (8) for a violation of Section 17-2-31 NMSA
25 1978, a fine of one thousand dollars (\$1,000);

1 (9) for selling, offering for sale, offering
2 to purchase or purchasing any big game animal, unless
3 otherwise provided by Chapter 17 NMSA 1978, a fine of three
4 thousand dollars (\$3,000);

5 (10) for illegally taking, attempting to
6 take, killing, capturing or possessing of each jaguar, a fine
7 of six thousand dollars (\$6,000); and

8 (11) for a violation of the provisions of
9 Subsection A of Section 17-2A-3 NMSA 1978, a fine of two
10 thousand dollars (\$2,000).

11 D. A person who is convicted of a violation of any
12 rules adopted by the state game commission or of a violation
13 of any of the provisions of Chapter 17 NMSA 1978, except for
14 the felony provision of Section 17-2-8 NMSA 1978, for which a
15 punishment is not set forth under this section, is a
16 misdemeanor and shall be fined or imprisoned pursuant to
17 Section 31-19-1 NMSA 1978.

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

22 F. The provisions of this section shall not apply
23 to a landowner or lessee, or employee of either of them, who
24 kills an animal on private land, in which they have an
25 ownership or leasehold interest, that is threatening human

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

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