

## INTERSTATE WILDLIFE VIOLATOR COMPACT

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### Senate Bill 16

Sponsor: Sen. Howard Walker

*(Enacted as Public Act 37 of 2013)*

House Committee: Natural Resources

Senate Committee: Outdoor Recreation and Tourism

Complete to 4-29-13

## A SUMMARY OF SENATE BILL 16 AS PASSED BY THE SENATE 2-14-13

The bill would amend the Natural Resources and Environmental Protection Act to provide for licensure penalties for persons who violate the Interstate Wildlife Violator Compact and to allow alleged violators to request an evidentiary hearing. This applies to hunting and fishing licenses.

Public Act 235 of 2004 authorized Michigan to enter into the Interstate Wildlife Violator Compact, which is an agreement between member states that provides for information-sharing about fish and game violations and reciprocal recognition of license suspensions. The 2004 law does not authorize the DNR to suspend a violator's hunting or fishing privileges.

Under the bill, the Department of Natural Resources would be required to enforce the Interstate Wildlife Violator Compact and do all appropriate things within its jurisdiction to effectuate the purposes and intent of the Compact. The DNR would be able to withdraw from or adopt amendments to the Compact.

### License Sanctions

The bill would do the following regarding licensing privileges:

- If, under Section IV(A) of the compact, the DNR receives notice from the licensing authority of an issuing state that a Michigan resident has failed to comply with the terms of a citation, the DNR would be required to suspend the license privileges of the resident.
- If, under Section IV(B) of the compact, the DNR receives notice of conviction of a Michigan resident from the licensing authority of an issuing state, the DNR would be required to suspend the resident's licensing privileges if the conviction would have resulted in mandatory suspension had it occurred in Michigan. If the conviction could have resulted in discretionary suspension, the DNR would be able to suspend the resident's license privileges.
- If the DNR receives notice of the suspension of any person's license privileges by a state participating in the Compact, the department would have to determine whether the violation leading to the suspension would have led to the suspension under Michigan's laws. If a determination is made that the person's license privileges would have been suspended, the DNR could suspend the person's

license privileges for the same period imposed by the other state, but not more than the maximum period allowed under state law.

#### Evidentiary Hearing

If the DNR suspends a person's license privileges under the Compact, the DNR would have to provide them with an opportunity for an evidentiary hearing limited to the following:

- Whether the person failed to comply with the terms of a citation in another participating state.
- Whether there was a conviction in another participating state and the conviction would have led to the suspension of license privileges under Michigan law, whether the conviction is on appeal in the participating state, or whether the alleged violator is not the proper party.
- Whether a participating state suspended the person's license privileges and the violation leading to the suspension would have led to the forfeiture of privileges under Michigan law, the conviction is on appeal in the participating state, or the alleged violator is not the proper party.

Hearings would have to be requested within 20 days after the DNR sends notice of the suspension. An individual would have to surrender all licenses issued under Part 435 within 10 days of the suspension notice being sent. The DNR would be required to send any Michigan resident (1) notice of the suspension, (2) the opportunity for an evidentiary hearing, and (3) the obligation to surrender licenses to the person's last known address.

Any person who fails to surrender a license would be guilty of a misdemeanor punishable by up to 90 days imprisonment and/or a fine ranging from \$25 to \$250.

The bill also provides that if a person is charged with or convicted of a violation of Part 435, or any other hunting/fishing law, and fails to answer a citation or notice to appear in court, the court would have to immediately provide notice to the person's last known address that failure to appear within 7 days or failure to comply with the order or judgment of the court within 14 days would result in the suspension of the person's hunting, fishing, and trapping licenses. If the person fails to appear within or comply with the order or judgment within the prescribed time period, the DNR would have to immediately suspend the person's licenses and provide notice of the suspension.

#### **FISCAL IMPACT:**

Senate Bill 16 would have an indeterminate fiscal impact on the State of Michigan and local units of government. The bill would likely result in increased administrative costs to the Department of Natural Resources related to the bill's requirement that individuals receive notice by mail of their license suspension, obligation to surrender licenses, and their opportunity to request an evidentiary hearing.

The bill would create a misdemeanor for a person who fails to surrender a license and could increase costs on local correctional systems. Any new misdemeanor convictions could increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. The bill also allows a fine of \$25 to \$250. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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