

Agenda Item # 9

Update on Penalty Assessment Violations



Field Operations Division

History

- Prior to 1997, all citations issued by Conservation Officers required a court appearance.
- In 1997, the Legislature authorized the issuing of Penalty Assessment Citations for Fishing Without a License and Hunting Small Game Without a License.
- If a violator elected to take the PA, he/she was admitting guilt, and agreeing to pay the assessment. The citation served as a temporary license, so he/she could continue angling or hunting.
- The assessment included the cost of the license, and a license was issued upon payment.



House Bill 202

- In 2015, the Legislature authorized the issuing of Penalty Assessment citations (PAs) for minor violations of Hunting and Fishing infractions, and for failing to have required stamps or validations.
- Hunting, fishing or trapping w/out the proper stamp. **\$ 50.00 + cost of appropriate stamp.**
- Manner and method rule infraction contrary to commission rule. **\$125.00**



Stamp PA Violations

- **Number of Fishing Poles-** Unlawful to angle with more than one pole w/ out stamp. Unlawful to use more than two poles in any circumstance.
- **Habitat Stamp-** No hunting, fishing or trapping license used on USFS or BLM lands shall be valid unless stamp is purchased and possessed (everyone except free license).
- **Habitat Management and Access Validation** – Each resident and non-resident license or wildlife associated recreation permit shall not be valid unless accompanied by HMAV (exceptions are individuals 17 and younger and in combination with a free licenses).



General Manner and Method

The following violations were approved by the Commission for Penalty Assessment

- Possession of game animal parts found in the field
- Road hunting (artificial wildlife)*
- Harassing protected wildlife
- Driving off road / Driving on closed roads
- Violating provisions of posted signs (Dept. owned, controlled or managed lands)



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Fishing Manner and Method Violations

- Trotlines-only one, 25 hooks, inspection, identification
- Baitfish-unlawful to use protect sp., trout waters, unlawful release
- Limit on angling hooks in special waters
- Snagging
- Chumming
- Special trout waters- barbless lures and flies, soft plastic
- Disturbing the bottom
- Spearfishing and bow fishing
- Exceeding the bag limit (Dependent if bag limit is two or more)
- Size Limits
- Waters with age or disabilities restrictions



Species Specific Manner and Method Violations

- Use of Live Animals as blind or decoy
- Use of calling devices
- Bullets (Types: full metal jacket/ tracer)
- Legal weapon types (Center-fire, caliber size, bow, muzzleloader, shotgun capacity)
- Use of dogs in hunting (Except bear and cougar)
- Non-toxic shot (All commissioned owned lands)
- Shooting hours for Migratory Birds (Separate from season rule)



Review of PAs—2015-2016

- In 2015-2016, nearly 2,900 Penalty Assessment Citations were issued by Conservation Officers.
- Violators appreciate, in many cases, they can remain in the field and continue angling or hunting.
- PAs are similar to speeding citations, so customers are comfortable with this idea.
- Assessments can be paid on-line, by telephone, by mail, or at any Department office.



Review of PAs—2015-2016

- Penalty Assessments do not involve court appearances.
- This reduces the burden on the Magistrate Court system throughout New Mexico.
- This frees up time for officers to patrol, respond to wildlife complaints and conduct other Conservation Officer duties.



Fishing Without a License

- Assessment amount: \$75.00 + the cost of the license
- Average 958 PAs/year
- 573 paid within 30 days—60% compliance



Hunting Small Game Without a License

- Assessment amount: \$100.00 + the cost of the license
- Average 7 PAs/year
- 7 paid within 30 days—100% compliance



Stamp Violations

- Assessment amount: \$50.00 + the cost of the stamp(s)
- Average 227 PAs/year
- 208 paid within 30 days—92% compliance



Manner and Method Violations

- Assessment amount: \$125.00
- Average 239 PAs/year
- 162 paid within 30 days—68% compliance



Income

- Assessments collected are deposited in the Game Protection Fund.
- Average amount collected per year: approx. \$75,000.00.



Cost

- It is difficult to quantify the costs of administering this program, as several different personnel are involved throughout the state.
- Based on an average of about 10 minutes per citation to process payments, about \$3,500 are spent by the Department per year.



Cost

- If a PA is not paid in a timely manner, the violator is subject to having his license privileges suspended.
- The estimated cost of processing these suspensions has been \$11,000/year. This includes labor and postage.



Questions?



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