

AGENDA ITEM NO. 11

**Initial Discussion
Hunting and Fishing
Revocation Rule**



19.31.2 Hunting and Fishing Revocation

- Currently the GC may revoke a person's privileges for a definite period of time they deem appropriate if they determine that the person has committed a flagrant or egregious violation of Chapter 17 or Commission rule
- Field Operations was directed by GC to draft a rule to allow the Department the ability to provide revocation timeframe recommendations



General Timeframes

First Revocation: Any person subject to revocation for the first time may be revoked for up to 3 years. Stipulated agreements may only be used for first time revocations. (currently a def. period of time)

Second Revocation: Any person subject to a second revocation may be revoked for up to 5 years. (currently up to 5 years)

Third Revocation: Any person who is subject to a third revocation shall be revoked for no less than 10 years. (currently up to 7 years)

Felony Conviction: Any person convicted of a felony waste of game violation for the first time shall be revoked for no less than 7 years and no more than 10 years. A second or subsequent felony conviction shall cause a revocation for no less than 10 years (currently up to 7 & 10 years)



Enhancement

Enhancement: The Department may recommend any period of revocation longer than those set to a hearing officer if a hearing is requested or to the GC if no hearing is requested;

- when respondent has accrued 40 or more violation pts
- is subject to civil restitution for a trophy animal
- Any recommendation shall be supported with written justification detailing the egregious circumstances
- Neither the hearing officer nor the commission shall be bound by the department's recommendation



Mitigation

Mitigation: The Department may recommend any period of revocation shorter than those set to a hearing officer or the GC if no hearing is requested;

- When the Department believes mitigating circumstances exist
- Recommendation shall be in writing detailing the mitigating circumstances
- Neither the hearing officer nor GC is bound by the Departments recommendation



Criminal Revocation Categories & Points

- Create a 40 pt. category to aid in defining egregious violations
- Simplify points by having 40, 20, 10, 5 and 3 point categories
- Evaluate revocation point designations based on severity or common occurrence of criminal violations



Egregious Violations

40 pt. Criminal Violations:

- Spotighting
- Felony waste of game
- Selling, offering to sell, purchase/ offer protected sp.
- Shooting from an aircraft
- Applying/receiving OG registration while revoked
- Purchase of hunting or fishing license while on revocation
- Computer Assisted Remote hunting
- Take, purchase or selling of Threatened or Endangered Sp.
- Knowingly or willfully introducing an aquatic invasive sp.



Criminal Revocation Categories and Points

- All 20 pt. violations would remain the same except egregious violations
- 17 pt. Hunting in wrong GMU, outside ranch boundaries with RO license or on public with a private land only license would increase back to 20 pts.
- The vast majority of 15 and 10 pt. violations would be reduced to or stay at 10 pts except exceeding the bag limit of BG and importation/possession of class II, III or IV species



Administrative clean up

- Make suspension process more efficient
 - Send notice via letter of PA, PRA, IWVC, Failure to appear and failure to pay civil suspensions
 - If there is a mistake, they have come into compliance or reinstated in their home state the Department will unsuspend the individual
 - Give individuals additional time if timeline falls on a holiday or weekend
 - Make commission rule more consistent with other administrative rules in NM to include MVD



Moving Forward;

- Take direction from commission and develop a new revocation rule
- Department will have public meetings around the state to gather input
- Bring a rule to the commission in early 2022 and adopted by April 1, 2022





Option 2

- Administrative clean up
- Enhancement and Mitigation language
- Revamp point structure 40, 20, 10, 5, 3
- Number of points equates to years of revocation

20-39 pts. = 3 years

40-59 pts. = 5 years

60-79 pts. = 7 years

80-99 pts. = 9 years

100+ pts. = 11 years



Option 3

- Keep categories and point structure the same as current in rule
- Add Enhancement and Mitigation language
- Administrative clean up

