

Agenda Item #15a

Repeal/Replace Hunting and Fishing Revocation Rule 19.31.2 NMAC



Field Operations Division

Revocation Rule 19.31.2 NMAC

Establishes criteria to revoke or suspend hunting, fishing, trapping, guiding and outfitting privileges/licenses.

- Flagrantly or knowingly violates statute or rules;
- Violation of the Parental Responsibility Act (PRA);
- Wildlife Violator Compact;
- Failure to pay Penalty Assessment;
- Civil Assessments



Overview of Rule Replacement

- Added definitions
- Addressed point values to fit severity of violation
- Set a timeframe for revocation process to occur
- Added authorized ranch contacts as having some culpability
- Addressed continuances and timeframes
- Allows the Department to move forward with NCA's for PA's, IWVC and PRA



Definitions

Conviction- means any adjudication of guilt; plea of guilty or nolo contendere accepted by the court; or payment of a fine, court cost, court order, or penalty assessment; or forfeiture of collateral; regardless of whether sentencing or imposition of sentencing has been deferred or suspended.

Protected species- shall mean any of the following animals:

- (1) all animals defined as protected wildlife species and game fish under Section 17-2-3 NMSA 1978;
- (2) all animals defined as furbearing animals under Section 17-5-2 NMSA 1978; and
- (3) all animals listed as endangered species or subspecies as stated in regulation(s) set by the state game commission



Point Values

The Department recommends:

- reducing the point values of 10 violations
- increasing the point values of 4 violations
- adding 3 specific violations
- adding 5 criminal violations that were administrative violations under the O&G rule.



Point Value Decreases

- Hunting BG outside ranch boundaries or in the wrong GMU (20→17)
- Hunting public with private only license (20→17)
- Unlawful use of dogs while hunting BG or Turkey (15→10)
- Illegal possession of fish (10→7)
- Hunting small game w/o license (10→7)
- Hunting, fishing, trapping w/o stamps (5→3)
- Using Dept. issued permit w/o stamps (5→3)
- O&G violation of conditions of state or fed permit (10→5)
- O&G failure to comply with local, state, or fed law (10→5)
- Outfitter failure to supervise guides (10→5)



Point Value Increases

- Waste of Game (15→20) now a felony
- Shooting at protected sp. from an aircraft (15→20)
- Unlawful killing of BG during season (10→15)
- Exceeding bag limit of BG (10→15)



Additional violations

- Harassing a protected species by use of motor vehicle (15)
- Illegal use of aircraft or drone to locate or harass protected species (15)
- Retention of live animals (10)
- Addition of 5 criminal violations that used to be misconduct in G&O rule
 - Hiring unlicensed guide, contract violations, invalid O #, sufficient number of guides



Timeframe for Revocations

19.31.2.10.K

If the department fails to initiate (initiation shall be calculated based on the post mark on the notice of contemplated action letter) a revocation or suspension action against an individual within one year of the date that the individual is either convicted of an act or accepts a penalty assessment misdemeanor, which results in the accumulation of 20 or more points, the department shall not bring a revocation or suspension action against that individual unless and until that individual is either convicted of an additional violation or accepts an additional penalty assessment misdemeanor of any point value within three years of the most recent point accrual originally equaling or exceed 20 points.



Notice of Contemplated Action

NCA's

- The commission will grant the Director the authority to immediately send NCA's for all individuals who fail to pay their Penalty Assessment (PA's) after 30 days, who appear on a certified list from Human Services as being out of compliance with the Parental Responsibilities Act (PRA) or those individuals who's name appears on the Interstate Wildlife Violators Compact Act list.
- Those individuals that do not request a hearing, will automatically have their license privileges suspended by the Department. The Department will submit a list of those suspended to the Commission at the next meeting.



Questions?



Field Operations Division

2 comments – Both in favor of
revocations, just want to see them
initiated quicker



Field Operations Division