

CHAPTER 101

AN ACT concerning the Interstate Wildlife Violator Compact and supplementing Title 23 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.23:13-1 Enactment, entry into Interstate Wildlife Violator Compact.

1. The State of New Jersey enacts and enters into the Interstate Wildlife Violator Compact with all other jurisdictions that legally join in the compact in the form substantially as follows:

Article I. Findings and Statement of Purpose.

1. a. The participating states to this compact find that:

(1) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors;

(2) The protection of wildlife resources is materially affected by the degree of compliance with the laws, rules, and regulations relating to the protection and management of such resources;

(3) The preservation, protection, management, and restoration of wildlife contribute immeasurably to the aesthetic, recreational, and economic aspects of those natural resources;

(4) Wildlife resources are valuable without regard to political boundaries, and therefore, every person should be required to comply with the wildlife laws of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife;

(5) The violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property;

(6) The mobility of people who violate wildlife laws necessitates the maintenance of channels of communication among the various states;

(7) In most instances, a person who is cited for a wildlife violation in a state other than the person's home state is:

(a) required to post collateral or a bond to secure appearance for a trial at a later date;

(b) taken into custody until the collateral or bond is posted; or

(c) taken directly to court for an immediate appearance.

(8) The purpose of the enforcement practices described in paragraph (7) of this subsection of this article is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on their way after receiving the citation, could return to their home state and disregard their duty under the terms of the citation;

(9) In most instances, a person receiving a wildlife citation in the person's home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on their way after agreeing or being instructed to comply with the terms of the citation;

(10) The practices described in paragraph (7) of this subsection of this article cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine, and thus is compelled to remain in custody until an alternative arrangement is made; and

(11) The enforcement practices described in paragraph (7) of this subsection of this article consume an undue amount of time of law enforcement agencies.

b. It is the policy of the participating states to:

- (1) Promote compliance with wildlife laws in their respective states;
 - (2) Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat that suspension as if it had occurred in their state;
 - (3) Allow a violator, except as provided in subsection b. of Article III of the compact, to accept a wildlife citation and, without delay, proceed on their way, whether or not the violator is a resident of the state in which the citation was issued, if the violator's home state is party to this compact;
 - (4) Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state;
 - (5) Allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had occurred in the home state;
 - (6) Extend cooperation to its fullest extent among the participating states for obtaining compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state;
 - (7) Maximize the effective use of law enforcement personnel and information; and
 - (8) Assist court systems in the efficient disposition of wildlife violations.
- c. The purpose of this compact is to provide:
- (1) a means by which participating states may join in a reciprocal program to effectuate the policies enumerated in subsection b. of this article in a uniform and orderly manner; and
 - (2) for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

Article II. Definitions.

2. As used in this compact and sections 2 through 6 of this act:

"Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.

"Collateral" means, except as used in section 3 of this act, any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.

"Compact" means the Interstate Wildlife Violator Compact.

"Compliance" means, except as used in section 3 of this act, the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any.

"Conviction" means an admission of guilt of a violation of law by an accused defendant and the subsequent finding of guilt by a competent court of appropriate jurisdiction by way of trial, hearing, summary civil proceeding, or the payment of a fine or penalty to a court in lieu of a court appearance through a court's violations bureau, and includes any court conviction for any offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by wildlife law including any court conviction that results in suspension or revocation of a license, and the term also includes the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere, or the imposition of a deferred or suspended sentence by the court.

"Court" means a court of law, including but not limited to magistrate's court, justice of the peace court, municipal court, and the State Superior Court.

"Division" or "Division of Fish and Wildlife" means the Division of Fish and Wildlife in the Department of Environmental Protection.

"Home state" means the state of primary residence of a person.

"Issuing state" means the participating state that issues a wildlife citation to a violator.

"License" means any license, permit, or other public document that conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by law, rule, or regulation; including any privilege to obtain such license, permit, or other public document, or any statutory exemption from the requirement to obtain such license, permit, or other public document.

"Licensing authority" means the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

"Participating state" means any state that enacts legislation to become a member of the Interstate Wildlife Violator Compact.

"Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that the person will comply with the terms of the citation.

"State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, or other countries.

"Suspension" means any suspension, revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.

"Terms of a citation" or "terms of the citation" means the conditions and options expressly stated in the citation.

"Wildlife" means all species of wild, non-domesticated animals, including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as wildlife and are protected or otherwise regulated by wildlife law in a participating state. Species included in the definition of "wildlife" may vary among the states and the determination of whether a species is "wildlife" for the purposes of this compact shall be based on the laws, rules, and regulations of the issuing state.

"Wildlife law" means any law, rule, or regulation enacted for the management of wildlife resources and the uses thereof.

"Wildlife officer" means any person authorized by a participating state to issue a citation for a wildlife violation.

"Wildlife violation" means any cited violation of a wildlife law.

Article III. Procedures for Issuing State.

3. a. When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state. The wildlife officer shall not require the person to post collateral to secure the person's appearance, subject to the exceptions set forth in subsection b. of this article, if the wildlife officer receives the person's personal recognizance that the person will comply with the terms of the citation.

b. Personal recognizance is acceptable if not prohibited by local law, by policy, procedure, rule, or regulation of the issuing agency, or by the compact manual, and if the person provides adequate proof of identification to the wildlife officer.

c. Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued. The report shall be made in accordance with the procedures specified by the issuing state and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home state.

d. Upon receipt of the report of conviction or noncompliance pursuant to subsection c. of this article, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in the form and content prescribed in the compact manual.

Article IV. Procedures for Home State.

4. a. Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and may initiate a suspension action in accordance with the applicable suspension procedure of the home state. The licensing authority of the home state shall suspend the licensing privileges of the violator until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the licensing authority of the home state. Due process safeguards shall be accorded to the violator.

b. Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter the conviction in its records and shall treat the conviction as though it occurred in the home state for purposes of the possible suspension of license privileges.

c. The licensing authority of the home state shall maintain a record of actions taken and make reports to issuing states as provided in the compact manual.

Article V. Reciprocal Recognition of Suspension.

5. a. Each participating state may recognize the suspension of license privileges of any person by any other participating state as though the violation on which the suspension is based had occurred in that state and would have been the basis for suspension of license privileges in that state.

b. Each participating state shall communicate information concerning the suspension of license privileges to other participating states in the form and content prescribed in the compact manual.

Article VI. Applicability of Other Laws.

6. Except as expressly required by provisions of this compact, this compact shall not affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning the enforcement of wildlife laws.

Article VII. Compact Administrator Procedures.

7. a. For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each of the participating states to be known as the compact administrator. The Commissioner of Environmental Protection, in consultation with the Director of the Division of Fish and Wildlife and the Chief of the Bureau of Law Enforcement within the division, shall recommend to the Governor a nominee to serve as compact administrator for the State of New Jersey. No later than 90 days after receipt of the recommendation from the Commissioner of Environmental Protection, the Governor shall appoint the recommended nominee as the compact administrator for the State of New Jersey. The compact administrator shall serve and be subject to removal in accordance with the laws of the State of New Jersey. The compact administrator may provide for the discharge of duties and the performance of functions as a board member by an alternate. An alternate shall not serve unless written notification of the identity of the alternate has been given to the board.

b. Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the votes of the board is cast in favor thereof. Action by the board shall be only at a meeting at which a majority of the participating states are represented.

c. The board shall elect annually from its membership a chairperson and vice chairperson.

d. The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and may amend and rescind its bylaws.

e. The board may accept for any of its purposes and functions under this compact any and all donations and grants of moneys, equipment, supplies, materials, and services, conditional or otherwise, from any state, the federal government, or any governmental agency, and may receive, use, and dispose of the same.

f. The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, person, firm, corporation, or private nonprofit organization or institution.

g. The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in the compact manual.

Article VIII. Entry into and Withdrawal from Compact.

8. a. This compact shall become effective upon adoption in substantially similar form by two or more states.

b. (1) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairperson of the board.

(2) The resolution shall substantially be in the form and content as provided in the compact manual and include the following:

(a) A citation of the authority by which the state is authorized to become a party to this compact;

(b) An agreement of compliance with the terms and provisions of the compact; and

(c) An agreement that entry into the compact is with all states participating in the compact and with any additional states that legally become party to the compact.

(3) The effective date of entry shall be specified by the applying state, but shall not be less than 60 days after notice has been given by the chairperson of the board of the compact administrators or by the secretary of the board to each participating state that the resolution from the applying state has been received.

c. A participating state may withdraw from the compact by official written notice to each participating state, but withdrawal shall not become effective until 90 days after the notice of withdrawal is given. The notice shall be directed to the compact administrator of each participating state. The withdrawal of any state does not affect the validity of this compact as to the remaining participating states.

Article IX. Amendments to the Compact.

9. a. This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairperson of the board of compact administrators and may be initiated by one or more participating states.

b. Adoption of an amendment shall require endorsement by all participating states and shall become effective 30 days after the date of the last endorsement.

Article X. Construction and Severability.

10. This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of the compact are severable and if any phrase, clause, sentence, or provision of the compact is declared to be contrary to the constitution of any participating state or of the federal government, or if the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of the compact shall not be affected thereby. If the compact is held contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

C.23:13-2 Compliance with compact; authority of division.

2. a. The Division of Fish and Wildlife shall comply with the Interstate Wildlife Violator Compact set forth in this act and shall effectuate the purpose and intent of the compact insofar as its ability within the jurisdiction outlined in Title 23, Title 50, and chapter 24 of Title 58 of the Revised Statutes, and any rules and regulations adopted pursuant thereto.

b. The division is authorized, on behalf of the State, to:

(1) enter or withdraw from the Interstate Wildlife Violator Compact pursuant to the terms of article VIII of the compact pursuant to this act and subsection c. of this section; and

(2) adopt amendments to the compact pursuant to the terms of article IX of the compact pursuant to this act.

c. At least 45 business days prior to withdrawing from the Interstate Wildlife Violator Compact, the division shall send written notice of the decision to withdraw from the compact and an explanation of the reasoning therefor to the Governor, the President of the Senate, the Speaker of the General Assembly, and the respective chairpersons of the Senate Environment and Energy Committee and the Assembly Agriculture and Natural Resources Committee, or their designated successors.

C.23:13-3 Suspension of privileges.

3. a. When the Division of Fish and Wildlife receives notice of the suspension of the hunting, fishing, or trapping privileges of a person by a participating state, the division shall determine whether the violation leading to the suspension could lead to the suspension of privileges under State law, rule, or regulation. If the division determines that the suspension of privileges in the issuing state would initiate the suspension of a person's privileges according to State law, rule, or regulation, the division may suspend the license privileges of that person to hunt, fish, or trap in New Jersey for the same period imposed by the issuing state not to exceed the time period prescribed by corresponding State law, rule, or regulation. The division shall provide written notification to the person of the suspension of their privileges to take or possess wildlife in New Jersey and the reason for the suspension.

b. When the Division of Fish and Wildlife receives notification of the conviction of a New Jersey resident from a licensing authority of a participating state, the division may suspend the resident's hunting, fishing, or trapping privileges, or other privileges to take or possess wildlife, if the conviction can be treated as if the violation had occurred in this State. The division shall determine if the conviction from a participating state would satisfy the suspension requirements of the resident's hunting, fishing, or trapping privileges, or other privileges to take or possess wildlife in New Jersey pursuant to Title 23, Title 50, and chapter 24 of Title 58 of the Revised Statutes and any rules and regulations adopted pursuant thereto.

When the division determines the violation is a violation which can be considered for a suspension in New Jersey by (1) pre-requisite of an accumulation of violations, or (2) cause of collateral consequence, a suspension due to the nature of the violation corresponding with prescribed penalties of Title 23, Title 50, and chapter 24 of Title 58 of the Revised Statutes and any rules and regulations adopted pursuant thereto, the division may suspend the resident's privileges to hunt, fish, or trap in this State for the same period imposed by the issuing state, not to exceed the time period prescribed by corresponding State law, rule, or regulation. The division shall provide written notification to the person of their suspension of privileges to take or possess wildlife in New Jersey in compliance with this act.

c. When notice of suspension is sent to a person, the person shall immediately surrender any current New Jersey wildlife licenses to the division.

d. A person whose privileges have been suspended and who hunts, fishes, or traps in this State, who applies for or purchases any license or permit to hunt, fish, or trap in this State, or who refuses to surrender any current hunting, fishing, or trapping license as required, shall be subject to penalties and sanctions prescribed in Title 23, Title 50, and chapter 24 of Title 58 of the Revised Statutes, and any rules and regulations adopted pursuant thereto.

C.23:13-4 Failure of resident to comply; violations, penalties.

4. a. When the Division of Fish and Wildlife receives notice that a resident of the State has failed to comply with the terms of a citation issued for a wildlife violation in a participating state, the division shall send written notice to that person of their non-compliance. The written notification from the division shall provide a 30-day period to allow the person to comply with the issuing state's order to comply. If a resident's citation from the participating state remains outstanding or out of compliance 30 calendar days after the date of the division's notification, the person shall be in violation of the compact and subject to a penalty of \$50, and an additional \$10 for each month thereafter that the citation remains outstanding or out of compliance. In addition to the penalties prescribed, all licenses and privileges to take or possess wildlife shall be suspended until such time that the division

receives notice from the issuing state that the citation has been satisfied and a disposition for the matter has been recorded.

b. In addition to the suspension provision set forth in subsection a. of this section, a violation of the compact as described in that subsection shall be considered in evaluating suspensions for accumulation of violations in R.S.23:3-22.

C.23:13-5 Contents of suspension notification letter.

5. a. A written suspension notification letter issued by the Division of Fish and Wildlife pursuant to section 3 or 4 of this act shall include, but need not be limited to, the following information: the period of suspension; the reason for suspension; identification of the violations leading to the suspension; and the procedure by which the person may appeal their suspension.

b. Upon receipt of a written request by a person suspended pursuant to the provisions of this act, a review of the suspension shall be conducted and a determination made concerning whether the suspension is eligible for early restoration pursuant to section 2 of P.L.1955, c.96 (C.23:3-22.1). If, following review, the person is aggrieved by disposition of the request, the person may, by written request to the division, within 20 days after notification of the completion of the initial review, request a hearing. Upon receipt of notification within the 20-day period, the division shall request a hearing be conducted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and the rules and regulations adopted pursuant thereto. All appeal considerations shall also conform to section 2 of P.L.1955, c.96 (C.23:3-22.1).

C.23:13-6 Grounds for suspension of enforcement.

6. If it is determined by the Bureau of Law Enforcement of the Division of Fish and Wildlife that the provisions of this compact, in full or in part, are not being implemented with respect to violations and suspensions reported from the State of New Jersey by any other participating state, the Director of the Division of Fish and Wildlife, with the approval of the Commissioner of Environmental Protection, may suspend enforcement of the provisions of this compact as against such participating state until such time as the Chief of the Bureau of Law Enforcement determines that the participating state is fully implementing the provisions of the compact.

7. This act shall take effect immediately.

Approved January 9, 2017.