

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2759

(SENATE AUTHORS: SCHMIT)

DATE	D-PG	OFFICIAL STATUS
03/14/2016	5044	Introduction and first reading Referred to Environment and Energy
03/29/2016	5304a	Comm report: To pass as amended and re-refer to Judiciary
03/30/2016		Comm report: To pass as amended Second reading See SF 2758, Sec. 2-6

A bill for an act

1.1 relating to game and fish; modifying penalties for gross overlimits; providing
 1.2 criminal penalties; amending Minnesota Statutes 2014, sections 97A.201,
 1.3 subdivision 2, by adding a subdivision; 97A.301, subdivision 1; 97A.338;
 1.4 97A.420, subdivision 1; 97A.421, subdivision 2a.
 1.5

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2014, section 97A.201, subdivision 2, is amended to read:

1.8 Subd. 2. **Duty of county attorneys and peace officers.** ~~County attorneys and~~ All
 1.9 peace officers must enforce the game and fish laws.

1.10 Sec. 2. Minnesota Statutes 2014, section 97A.201, is amended by adding a subdivision
 1.11 to read:

1.12 Subd. 3. **Prosecuting authority.** (a) County attorneys are the primary prosecuting
 1.13 authority for violations under section 97A.205, clause (5).

1.14 (b) Prosecution under paragraph (a) includes associated civil forfeiture actions
 1.15 provided by law.

1.16 Sec. 3. Minnesota Statutes 2014, section 97A.301, subdivision 1, is amended to read:

1.17 Subdivision 1. **Misdemeanor.** Unless a different penalty is prescribed, a person
 1.18 is guilty of a misdemeanor if that person:

1.19 (1) takes, buys, sells, transports or possesses a wild animal in violation of the game
 1.20 and fish laws;

1.21 (2) aids or assists in committing the violation;

1.22 (3) knowingly shares in the proceeds of the violation;

1.23 (4) fails to perform a duty or comply with a requirement of the game and fish laws;

2.1 (5) knowingly makes a false statement related to an affidavit regarding a violation or
2.2 requirement of the game and fish laws; or

2.3 (6) violates or attempts to violate a rule under the game and fish laws.

2.4 Sec. 4. Minnesota Statutes 2014, section 97A.338, is amended to read:

2.5 **97A.338 GROSS OVERLIMITS OF WILD ANIMALS; PENALTY.**

2.6 (a) A person who takes, possesses, or transports wild animals over the legal limit, in
2.7 closed season, or without a valid license, when the restitution value of the wild animals
2.8 is over \$1,000 is guilty of a gross overlimit violation. A violation under this section
2.9 is a gross misdemeanor.

2.10 (b) If a wild animal involved in the violation under this section is listed as a threatened
2.11 or endangered wild animal, the penalty in paragraph (a) does not apply unless more than
2.12 one animal is taken, possessed, or transported in violation of the game and fish laws.

2.13 Sec. 5. Minnesota Statutes 2014, section 97A.420, subdivision 1, is amended to read:

2.14 Subdivision 1. **Seizure.** (a) An enforcement officer shall immediately seize the
2.15 license of a person who unlawfully takes, transports, or possesses wild animals when the
2.16 restitution value of the wild animals exceeds \$500. Except as provided in subdivisions
2.17 2, 4, and 5, the person may not use or obtain any license to take the same type of wild
2.18 animals involved, including a duplicate license, until an action is taken under subdivision
2.19 6. If the license seized under this paragraph was for a big game animal, the license seizure
2.20 applies to all licenses to take big game issued to the individual. If the license seized under
2.21 this paragraph was for small game animals, the license seizure applies to all licenses to
2.22 take small game issued to the individual.

2.23 (b) In addition to the license seizure under paragraph (a), if the restitution value of
2.24 the wild animals unlawfully taken, possessed, or transported is ~~\$5,000~~ \$1,000 or more, all
2.25 other game and fish licenses held by the person shall be immediately seized. Except as
2.26 provided in subdivision 2, 4, or 5, the person may not obtain any game or fish license or
2.27 permit, including a duplicate license, until an action is taken under subdivision 6.

2.28 (c) A person may not take wild animals covered by a license seized under this
2.29 subdivision until an action is taken under subdivision 6.

2.30 Sec. 6. Minnesota Statutes 2014, section 97A.421, subdivision 2a, is amended to read:

2.31 Subd. 2a. **License revocation after conviction.** (a) A person may not obtain a
2.32 license to take a wild animal and is prohibited from taking wild animals for a period

3.1 of ten years after the date of conviction of a violation when the restitution value of the
3.2 wild animals is \$2,000 or more.

3.3 (b) A person may not obtain a license to take a wild animal and is prohibited from
3.4 taking wild animals for a period of five years after the date of conviction of:

3.5 (1) a violation when the restitution value of the wild animals is ~~\$5,000~~ \$1,000 or
3.6 more, but less than \$2,000; or

3.7 (2) a violation when the restitution value of the wild animals exceeds \$500 and
3.8 the violation occurs within ten years of one or more previous license revocations under
3.9 this ~~subdivision~~ paragraph.

3.10 ~~(b)~~ (c) A person may not obtain a license to take the type of wild animals involved in
3.11 a violation when the restitution value of the wild animals exceeds \$500 and is prohibited
3.12 from taking the type of wild animals involved in the violation for a period of three years
3.13 after the date of conviction of a violation.

3.14 ~~(e)~~ (d) The time period of multiple revocations under paragraph (a), or paragraph
3.15 (b), clause (2), shall be consecutive and no wild animals of any kind may be taken during
3.16 the entire period.

3.17 (e) If a wild animal involved in the conviction is listed as a threatened or endangered
3.18 wild animal, the revocations specified under this subdivision do not apply unless more
3.19 than one animal is taken, possessed, or transported in violation of the game and fish laws.

3.20 ~~(d)~~ (f) The court may not stay or reduce the imposition of license revocation
3.21 provisions under this subdivision.