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H.410

Introduced by Representatives Burditt of West Rutland and Viens of
Newport City

Referred to Committee on

Date:

Subject: Fish and wildlife; license; penalties

Statement of purpose of bill as introduced: This bill proposes to increase the
penalties for certain fish and wildlife violations.

An act relating to increasing penalties for fish and wildlife violations

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 4502 is amended to read:

§ 4502. UNIFORM POINT SYSTEM; REVOCATION OF LICENSE

* * *

(c) Licenses shall be suspended as follows:

(1) For ten to 14 points accumulated in five years—a one-year
suspension.

(2) For 15 to 19 points accumulated in five years—a two-year
suspension.

(3) For 20 or more points accumulated in five years—a ~~three-year~~
five-year suspension.

1 (4) For multiple violations in one year of a provision subject to
2 assessment of 20 points under subdivision 4502(b)(3) of this title—a nine-year
3 suspension.

4 (d) On or after July 1, 2015, the Commissioner shall revoke the license of
5 an individual permanently upon a third or subsequent violation of a provision
6 subject to assessment of 20 points under subdivision 4502(b)(3) of this title.

7 (e) A person who violates a provision subject to assessment of 20 points
8 under subdivision 4502(b)(3) of this title shall be imprisoned for not less than
9 three days for a first offense, not less than eight days for a second offense, and
10 not less than 14 days for a third or subsequent offense.

11 (f) The Commissioner shall establish a centralized registry of licensees and
12 shall track all convictions and the point accumulations, if any, against
13 licensees. The Commissioner shall provide adequate notice to licensees of
14 their point accumulations, and suspensions, if any.

15 (e)(g) The Commissioner shall revoke a hunting license issued under this
16 part when the holder thereof has been convicted of a violation of 13 V.S.A.
17 § 1023(a)(2) or has been convicted of manslaughter by the careless and
18 negligent use of firearms, and another license shall not be issued to such
19 person within five years from the date of such revocation or within five years
20 from the date of such conviction if such person had no license. The court
21 before which such person is convicted shall certify such conviction to the

1 Commissioner. A revocation shall be deemed effective when notice is given,
2 when made in person, or three days after the deposit of such notice in the
3 U.S. mail, if made in writing.

4 ~~(f)~~(h) The Commissioner shall not reinstate a license suspended pursuant to
5 subdivisions 4502(c)(2) and (3) of this title until the licensee has successfully
6 completed a remedial course designed to teach hunters, trappers, and anglers
7 correct legal and ethical behavior while hunting, trapping, and fishing in
8 Vermont. The remedial course shall be approved by the Commissioner and
9 conducted by the Department. The fee for the remedial course shall be
10 \$100.00. Funds collected for the course shall be deposited in the Fish and
11 Wildlife Fund.

12 Sec. 2. 10 V.S.A. § 4503 is amended to read:

13 § 4503. UNLAWFUL EQUIPMENT, VEHICLE, FORFEITURE

14 A person convicted of violating the provisions of section 4747 or 4606 of
15 this title relating to taking big game by illegal means or subsection 4705(a) and
16 (b) of this title relating to shooting from a motor vehicle, shall forfeit to the
17 state the firearms, jacks, artificial lights, motor vehicle, or any other device
18 used in the taking or transporting of big game. Forfeiture of a motor vehicle
19 shall not apply to the illegal taking or transporting of wild turkey or
20 anadromous Atlantic salmon under this section.

1 Sec. 3. 10 V.S.A. § 4505 is amended to read:

2 § 4505. HEARING; FORFEITURE

3 (a) The game warden or other officer shall retain possession of firearms,
4 jacks, lights, motor vehicles, and devices taken until final disposition of the
5 charge against the owner, possessor, or person using the same in violation of
6 the provisions of section 4747 or 4606 of this title or subsections 4705(a) and
7 (b) of this title. When the owner, possessor or person using firearms, jacks,
8 lights, motor vehicles, and devices in violation of the section is convicted of
9 the offense, the court where the conviction is had shall cause the owner, if
10 known, and possessor, and all persons having the custody of or exercising any
11 control over the firearms, jacks, lights, motor vehicles, and devices seized,
12 either as principal, clerk, servant, or agent and the respondent to appear and
13 show cause, if any they have, why a forfeiture or condemnation order should
14 not issue. The hearings may be held as a collateral proceeding to the trial of
15 the respondent in the discretion of the court.

16 (b) The Court shall not order the forfeiture of a motor vehicle under this
17 section if an owner, co-owner, or person who regularly operates the motor
18 vehicle, other than the person who is in violation of the provisions of section
19 4747 or 4606 of this title or subsections 4705(a) and (b) of this title, shows by
20 a preponderance of the evidence that the owner, co-owner, or regular operator
21 did not consent to or have any express or implied knowledge that the motor

1 vehicle was being or was intended to be operated in a manner that would
2 subject the motor vehicle to forfeiture, or that the owner, co-owner, or regular
3 operator had no reasonable opportunity or capacity to prevent the person who
4 is in violation of the provisions of section 4747 or 4606 of this title or
5 subsections 4705(a) and (b) of this title from operating the motor vehicle.

6 Sec. 4. 10 V.S.A. § 4518 is amended to read:

7 § 4518. BIG GAME VIOLATIONS

8 Whoever violates a provision of this part or orders or rules of the ~~board~~
9 Board relating to taking, possessing, transporting, buying, or selling of big
10 game shall be fined not more than \$1,000.00 nor less than ~~\$400.00~~ \$500.00 or
11 imprisoned for not more than 60 days, or both. Upon a second and all
12 subsequent convictions, the violator shall be fined not more than \$2,000.00 nor
13 less than \$1,000.00 or imprisoned for not more than 60 days, or both.

14 Sec. 5. EFFECTIVE DATE

15 This act shall take effect on passage.