

TITLE 36
FISH AND GAME

CHAPTER 23
WILDLIFE VIOLATOR COMPACT

36-2301. WILDLIFE VIOLATOR COMPACT -- EXECUTION. The governor of the state of Idaho is authorized to execute a compact on behalf of this state with any other state or states for the purpose of cooperating with those states for the promotion of interstate cooperation in connection with the enforcement of wildlife laws.

[36-2301, added 1990, ch. 364, sec. 1, p. 989.]

36-2302. FORM AND CONTENT. The form and content of the compact shall be substantially as provided in this section, and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this section:

THE WILDLIFE VIOLATOR COMPACT

The contracting states do hereby agree as follows:

ARTICLE I

FINDINGS, DECLARATION OF POLICY AND PURPOSE

(a) The participating states 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 the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances or administrative rules relating to the management of those resources.
3. The preservation, protection, management and restoration of wildlife contributes immeasurably to the aesthetic, recreational and economic aspects of these natural resources.
4. Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management and restoration laws, ordinances and administrative rules and regulations of all participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap or possess wildlife.
5. Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.
6. The mobility of many wildlife law violators necessitates the maintenance of channels of communications 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:
 - (A) Must post collateral or bond to secure appearance for a trial at a later date; or
 - (B) If unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or
 - (C) Is taken directly to court for an immediate appearance.
8. The purpose of the enforcement practices described in paragraph 7. of this article is to ensure compliance with the terms of a wildlife citation by the person who, if permitted to continue on the person's way

after receiving the citation, could return to the person's home state and disregard the person's 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 to immediately continue on the person's way after agreeing or being instructed to comply with the terms of the citation.

10. The practice described in paragraph 7. of this article causes 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 the fine, and thus is compelled to remain in custody until some alternative arrangement can be made.

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

(b) It is the policy of the participating states to:

1. Promote compliance with the statutes, laws, ordinances, regulations and administrative rules relating to management of wildlife resources in their respective states.

2. Recognize the suspension of license privileges of any person whose license privileges have been suspended by a participating state and treat this suspension as though it had occurred in their respective states.

3. Allow violators to accept a wildlife citation, except as provided in paragraph (b) of article III, and proceed on the person's way without delay whether or not the person is a resident in the state in which the citation was issued, provided that the person'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 for its residents, which convictions occurred in another participating state as if they had occurred in the home state.

6. Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one (1) participating state to a resident of another participating state.

7. Maximize effective use of law enforcement personnel and information.

8. Assist court systems in the efficient disposition of wildlife violations.

(c) The purpose of this compact is to:

1. Provide a means through which the participating states may participate in a reciprocal program to effectuate the policies set forth in paragraph (b) of this article in a uniform and orderly manner.

2. Provide for the fair and impartial treatment of persons committing wildlife violations in participating states, in recognition of the person's right of due process and the sovereign status of a participating state.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context requires otherwise:

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

(b) "Collateral" means any cash or other security deposited to secure an appearance for trial in connection with the issuance of a wildlife officer or other peace officer of a citation for a wildlife violation.

(c) "Compliance" with respect to a citation means the act of answering the citation through appearance at a court, a tribunal or payment of fines, costs and surcharges, if any, or both such appearance and payment.

(d) "Conviction" means a conviction, including any court conviction, of any offense related to the preservation, protection, management or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance or administrative rule, or a plea of nolo contendere, or the imposition of a withheld judgment, a deferred or suspended sentence by the court or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, or payment of a penalty assessment.

(e) "Court" means a court of law, including magistrate's court and the justice of the peace court.

(f) "Home state" means the state of primary residence of a person.

(g) "Issuing state" means the participating state which issues a wildlife citation to the person.

(h) "License" means any license, permit, tag, stamp or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing or taking any wildlife regulated by statute, law, regulation, ordinance or administrative rule of a participating state.

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

(j) "Participating state" means any state which enacts legislation to become a member of this wildlife compact.

(k) "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 that citation.

(l) "Primary residence" means a place of permanent domicile or residence, and to which, when the person is temporarily absent, the person intends to return.

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

(n) "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.

(o) "Terms of the citation" means those conditions and options expressly stated upon the citation.

(p) "Wildlife" means all species of 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 statute, law, regulation, ordinance or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for the purposes of this compact shall be based on the law of the issuing state.

(q) "Wildlife law" means any statute, law, regulation, ordinance or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

(r) "Wildlife officer" means any individual authorized by a participating state to issue a citation for a wildlife violation.

(s) "Wildlife violation" means any cited violation of a statute, law, regulation, ordinance or administrative rule developed and enacted for the management of wildlife resources and the use thereof.

ARTICLE III

PROCEDURES FOR ISSUING STATE

(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 and shall not require the person to post collateral to secure appearance, subject to the exceptions noted in paragraph (b) of this article, if the officer receives the recognizance of the person that the person will comply with the terms of the citation.

(b) Personal recognizance is acceptable:

1. If not prohibited by local law or the compact manual; and
2. If the violator provides adequate proof of the violator's 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 the information 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 required by paragraph (c) of this article, the licensing authority of the issuing state shall transmit to the licensing authority in the home state the information in a form and content prescribed by the compact manual.

ARTICLE IV

PROCEDURES FOR HOME STATE

(a) Upon receipt of a report of failure to comply with the terms of a citation from the licensing authority of the issuing state, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due process safeguards shall be accorded.

(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 such conviction in its records and shall treat such conviction as though it occurred in the home state for the purposes of the 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

(a) All participating states shall recognize the suspension of license privileges of any person by any state as if the violation on which the suspension is based had in fact occurred in their state and could have been the basis for suspension of license privileges in their state.

(b) Each participating state shall communicate suspension information to other participating states in form and content as prescribed by the compact manual.

ARTICLE VI

APPLICABILITY OF OTHER LAWS

Except as expressly required by the provisions of this compact, nothing herein shall be construed to 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 arrangements between a participating state and a nonparticipating state concerning wildlife law enforcement.

ARTICLE VII

COMPACT ADMINISTRATOR PROCEDURES

(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 (1) representative from each of the participating states to be known as the compact administrator. The compact administrator shall be appointed by the head of the licensing authority of each participating state and will serve and be subject to removal in accordance with the laws of the state the administrator represents. A compact administrator may provide for the discharge of the administrator's duties and the performance of the administrator's functions as a board member by an alternate. An alternate shall not be entitled to serve unless written notification of the alternate's identity has been given to the board.

(b) Each member of the board of compact administrators shall be entitled to one (1) vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor of the action. The board may take action only at meetings 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 shall have the power to 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 money, equipment, supplies, materials and services, conditional or otherwise, from any state, the federal government or any governmental agency, and may receive, utilize and dispose of the same.

(f) The board may contract with or accept services or personnel from any governmental or intergovernmental agency, individual, firm, partnership, corporation or any 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 COMPACT AND WITHDRAWAL

(a) This compact shall become effective when it has been adopted in substantially similar form by at least two (2) states.

(b) 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. The resolution shall be substantially in the form and content as set forth in the compact manual and shall include the following:

1. A statement of the authority by which the state is empowered to become a party to this compact;
2. Agreement to comply with the terms and provisions of the compact; and
3. That compact entry is with all states then participating in the compact and with any state subsequently becoming a participant in the compact.
4. The effective date of entry shall be specified by the applying state, but shall not be less than sixty (60) days after notice has been given by the chairperson of the board of the compact administrators or by the secretariat of the board to each participating state that the resolution from the applying state has been received.

(c) A participating state may withdraw from this compact by official written notice to each of the other participating states, but a withdrawal shall not take effect until ninety (90) days after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member state. No withdrawal shall affect the validity of this compact as to the remaining participating states.

ARTICLE IX

AMENDMENTS TO THE COMPACT

(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 (1) or more participating states.

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

(c) Failure of a participating state to respond to the compact chairman within one hundred twenty (120) days after receipt of the proposed amendment shall constitute endorsement of the amendment.

ARTICLE X

CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or the applicability thereof to any government, agency, individual, or circumstance is held to be invalid, the remainder of the compact shall not be affected thereby. If this compact shall be held to be 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 state affected as to all severable matters.

[36-2302, added 1990, ch. 364, sec. 1, p. 989.]

36-2303. BOARD OF COMPACT ADMINISTRATORS -- MEMBER. In furtherance of the provisions contained in the compact, there shall be one (1) member of the board from the state of Idaho who shall be the director or other officer of the Idaho department of fish and game charged with directing the enforcement activities of the department.

[36-2303, added 1990, ch. 364, sec. 1, p. 995.]