

**SENATE, No. 1933**

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**STATE OF NEW JERSEY**

**217th LEGISLATURE**

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INTRODUCED MARCH 10, 2016

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**SYNOPSIS**

Enters NJ in Interstate Wildlife Violator Compact.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/14/2016)**

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

3  
4       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5       *of New Jersey:*

6  
7       1. The State of New Jersey enacts and enters into the Interstate  
8       Wildlife Violator Compact with all other jurisdictions that legally  
9       join in the compact in the form substantially as follows:

10  
11               Article I. Findings and Statement of Purpose.

12  
13       1. a. The participating states to this compact find that:

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

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

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

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

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

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

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

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

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

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

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

45           (9) In most instances, a person receiving a wildlife citation in the  
46       person's home state is permitted to accept the citation from the  
47       officer at the scene of the violation and immediately continue on

1 their way after agreeing or being instructed to comply with the  
2 terms of the citation;

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

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

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

12 (1) Promote compliance with wildlife laws in their respective  
13 states;

14 (2) Recognize the suspension of wildlife license privileges of any  
15 person whose license privileges have been suspended by a  
16 participating state and treat that suspension as if it had occurred in  
17 their state;

18 (3) Allow a violator, except as provided in subsection b. of  
19 Article III of the compact, to accept a wildlife citation and, without  
20 delay, proceed on their way, whether or not the violator is a resident  
21 of the state in which the citation was issued, if the violator's home  
22 state is party to this compact;

23 (4) Report to the appropriate participating state, as provided in  
24 the compact manual, any conviction recorded against any person  
25 whose home state was not the issuing state;

26 (5) Allow the home state to recognize and treat convictions  
27 recorded against its residents, which convictions occurred in a  
28 participating state, as though they had occurred in the home state;

29 (6) Extend cooperation to its fullest extent among the  
30 participating states for obtaining compliance with the terms of a  
31 wildlife citation issued in one participating state to a resident of  
32 another participating state;

33 (7) Maximize the effective use of law enforcement personnel and  
34 information; and

35 (8) Assist court systems in the efficient disposition of wildlife  
36 violations.

37 c. The purpose of this compact is to provide:

38 (1) a means by which participating states may join in a reciprocal  
39 program to effectuate the policies enumerated in subsection b. of  
40 this article in a uniform and orderly manner; and

41 (2) for the fair and impartial treatment of wildlife violators  
42 operating within participating states in recognition of the violator's  
43 right to due process and the sovereign status of a participating state.

44

45 Article II. Definitions.

46

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

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

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

10 "Compact" means the Interstate Wildlife Violator Compact.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28

29 Article III. Procedures for Issuing State.

30

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

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

44 c. Upon conviction or failure of a person to comply with the  
45 terms of a wildlife citation, the appropriate official shall report the  
46 conviction or failure to comply to the licensing authority of the  
47 participating state in which the wildlife citation was issued. The  
48 report shall be made in accordance with the procedures specified by

1 the issuing state and shall contain information as specified in the  
2 compact manual as minimum requirements for effective processing  
3 by the home state.

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

9  
10 Article IV. Procedures for Home State.

11  
12 4. a. Upon receipt of a report from the licensing authority of the  
13 issuing state reporting the failure of a violator to comply with the  
14 terms of a citation, the licensing authority of the home state shall  
15 notify the violator and may initiate a suspension action in  
16 accordance with the applicable suspension procedure of the home  
17 state. The licensing authority of the home state shall suspend the  
18 licensing privileges of the violator until satisfactory evidence of  
19 compliance with the terms of the wildlife citation has been  
20 furnished by the issuing state to the licensing authority of the home  
21 state. Due process safeguards shall be accorded to the violator.

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

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

30  
31 Article V. Reciprocal Recognition of Suspension.

32  
33 5. a. Each participating state may recognize the suspension of  
34 license privileges of any person by any other participating state as  
35 though the violation on which the suspension is based had occurred  
36 in that state and would have been the basis for suspension of license  
37 privileges in that state.

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

42  
43 Article VI. Applicability of Other Laws.

44  
45 6. Except as expressly required by provisions of this compact,  
46 this compact shall not affect the right of any participating state to  
47 apply any of its laws relating to license privileges to any person or  
48 circumstance or to invalidate or prevent any agreement or other

1 cooperative arrangement between a participating state and a  
2 nonparticipating state concerning the enforcement of wildlife laws.

3  
4 Article VII. Compact Administrator Procedures.

5  
6 7. a. For the purpose of administering the provisions of this  
7 compact and to serve as a governing body for the resolution of all  
8 matters relating to the operation of this compact, a board of  
9 compact administrators is established. The board shall be  
10 composed of one representative from each of the participating states  
11 to be known as the compact administrator. The Commissioner of  
12 Environmental Protection, in consultation with the Director of the  
13 Division of Fish and Wildlife and the Chief of the Bureau of Law  
14 Enforcement within the division, shall recommend to the Governor  
15 a nominee to serve as compact administrator for the State of New  
16 Jersey. No later than 90 days after receipt of the recommendation  
17 from the Commissioner of Environmental Protection, the Governor  
18 shall appoint the recommended nominee as the compact  
19 administrator for the State of New Jersey. The compact  
20 administrator shall serve and be subject to removal in accordance  
21 with the laws of the State of New Jersey. The compact  
22 administrator may provide for the discharge of duties and the  
23 performance of functions as a board member by an alternate. An  
24 alternate shall not serve unless written notification of the identity of  
25 the alternate has been given to the board.

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

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

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

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

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

46 g. The board shall formulate all necessary procedures and  
47 develop uniform forms and documents for administering the

1 provisions of this compact. All procedures and forms adopted  
2 pursuant to board action shall be contained in the compact manual.

3  
4 Article VIII. Entry into and Withdrawal from Compact.

5  
6 8. a. This compact shall become effective upon adoption in  
7 substantially similar form by two or more states.

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

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

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

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

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

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

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

32  
33 Article IX. Amendments to the Compact.

34  
35 9. a. This compact may be amended from time to time.  
36 Amendments shall be presented in resolution form to the  
37 chairperson of the board of compact administrators and may be  
38 initiated by one or more participating states.

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

42  
43 Article X. Construction and Severability.

44  
45 10. This compact shall be liberally construed so as to effectuate  
46 the purposes stated herein. The provisions of the compact are  
47 severable and if any phrase, clause, sentence, or provision of the  
48 compact is declared to be contrary to the constitution of any

1 participating state or of the federal government, or if the  
2 applicability thereof to any government, agency, person, or  
3 circumstance is held invalid, the validity of the remainder of the  
4 compact shall not be affected thereby. If the compact is held  
5 contrary to the constitution of any participating state, the compact  
6 shall remain in full force and effect as to the remaining states and in  
7 full force and effect as to the participating state affected as to all  
8 severable matters.

9  
10 2. a. The Division of Fish and Wildlife shall comply with the  
11 Interstate Wildlife Violator Compact set forth in this act and shall  
12 effectuate the purpose and intent of the compact in so far as its  
13 ability within the jurisdiction outlined in Title 23, Title 50, and  
14 chapter 24 of Title 58 of the Revised Statutes, and any rules and  
15 regulations adopted pursuant thereto.

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

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

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

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

30  
31 3. a. When the Division of Fish and Wildlife receives notice of  
32 the suspension of the hunting, fishing, or trapping privileges of a  
33 person by a participating state, the division shall determine whether  
34 the violation leading to the suspension could lead to the suspension  
35 of privileges under State law, rule, or regulation. If the division  
36 determines that the suspension of privileges in the issuing state  
37 would initiate the suspension of a person's privileges according to  
38 State law, rule, or regulation, the division may suspend the license  
39 privileges of that person to hunt, fish, or trap in New Jersey for the  
40 same period imposed by the issuing state not to exceed the time  
41 period prescribed by corresponding State law, rule, or regulation.  
42 The division shall provide written notification to the person of the  
43 suspension of their privileges to take or possess wildlife in New  
44 Jersey and the reason for the suspension.

45 b. When the Division of Fish and Wildlife receives notification  
46 of the conviction of a New Jersey resident from a licensing  
47 authority of a participating state, the division may suspend the  
48 resident's hunting, fishing, or trapping privileges, or other

1 privileges to take or possess wildlife, if the conviction can be  
2 treated as if the violation had occurred in this State. The division  
3 shall determine if the conviction from a participating state would  
4 satisfy the suspension requirements of the resident's hunting,  
5 fishing, or trapping privileges, or other privileges to take or possess  
6 wildlife in New Jersey pursuant to Title 23, Title 50, and chapter 24  
7 of Title 58 of the Revised Statutes and any rules and regulations  
8 adopted pursuant thereto.

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

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

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

32  
33 4. a. When the Division of Fish and Wildlife receives notice  
34 that a resident of the State has failed to comply with the terms of a  
35 citation issued for a wildlife violation in a participating state, the  
36 division shall send written notice to that person of their non-  
37 compliance. The written notification from the division shall  
38 provide a 30-day period to allow the person to comply with the  
39 issuing state's order to comply. If a resident's citation from the  
40 participating state remains outstanding or out of compliance 30  
41 calendar days after the date of the division's notification, the person  
42 shall be in violation of the compact and subject to a penalty of \$50,  
43 and an additional \$10 for each month thereafter that the citation  
44 remains outstanding or out of compliance. In addition to the  
45 penalties prescribed, all licenses and privileges to take or possess  
46 wildlife shall be suspended until such time that the division receives  
47 notice from the issuing state that the citation has been satisfied and  
48 a disposition for the matter has been recorded.



1   The IWVC allows for recognition of suspension of hunting, fishing,  
2   and trapping licenses and permits in other member states resulting  
3   from violations concerning hunting, fishing, and trapping laws.  
4   Illegal activities in one participating state can thus affect a person's  
5   hunting, fishing, or trapping privileges in all member states. The  
6   IWVC requires participating states to report wildlife violation  
7   convictions to compact members, gives the member states the  
8   capability to honor each other's suspensions, and provides the  
9   method to exchange violator data between member states. A  
10   conviction in one compact member state may cause a person to be  
11   barred from hunting, fishing, and trapping in all participating states,  
12   at the discretion of each state.

13       New Jersey is one of the few remaining states that have not yet  
14   joined this compact. This bill enters the State into the IWVC and  
15   provides the Division of Fish and Wildlife in the Department of  
16   Environmental Protection with the authority to withdraw from the  
17   compact if the division determines that the provisions of the IWVC  
18   concerning violations and suspensions reported by the State are not  
19   being implemented or enforced by other participating states.