

HOUSE BILL NO. 1188

Introduced by

Representatives Porter, Damschen, DeKrey, Hanson

Senators Hogue, Lyson

1 A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota
2 Century Code, relating to exploitation of wildlife; to amend and reenact section 20.1-01-26 of
3 the North Dakota Century Code, relating to suspension of hunting, trapping, or fishing
4 privileges; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 20.1-01-26 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **20.1-01-26. Suspension of hunting, trapping, or fishing privileges - Surrender and**
9 **return of license.** In addition to the penalty provided upon conviction under this title, the court
10 may suspend the defendant's hunting, trapping, or fishing privileges for up to three years;
11 however, if the defendant is convicted of an offense under section 2 of this Act, the court may
12 suspend the defendant's hunting, trapping, or fishing privileges for up to the life of the
13 defendant but not less than five years. The court may not suspend the defendant's privileges
14 for a noncriminal violation if the defendant has not been convicted for a violation of this title in
15 the last three years. Upon conviction for a violation of section 20.1-01-18, the court shall
16 suspend the defendant's hunting, fishing, and trapping privileges for a period of at least one
17 year, two years for the second conviction, and three years for the third or subsequent
18 conviction. At the time of the suspension, the court shall determine whether the defendant must
19 successfully complete the hunter education course provided for in section 20.1-03-01.1, as
20 prescribed by the proper state or provincial natural resources or wildlife management agency,
21 before the defendant may purchase a new or obtain the return of a valid hunting license.

22 Upon imposition of the suspension, the court shall take any hunting, trapping, or fishing
23 license or permit held by the defendant and forward it, together with a certified copy of the
24 suspension order, to the director. Except as otherwise provided in this section, upon expiration

1 of the suspension, the director shall return the person's license or permit if it is still valid. No
2 person may purchase, or attempt to purchase, a hunting, trapping, or fishing license or permit
3 during a suspension period. If the court so ordered, no person who has had a hunting license
4 suspended may purchase or attempt to purchase a hunting license nor may the director return
5 a valid hunting license until the person has successfully completed the course provided for in
6 section 20.1-03-01.1 and as prescribed by the proper state or provincial natural resources or
7 wildlife management agency. A certificate of completion for a similar course issued by any
8 other state or province of Canada is sufficient to meet this requirement. The person shall file
9 proof of that completion with the court.

10 For the purpose of this section, the term "conviction" includes an admission or
11 adjudication of a noncriminal violation.

12 **SECTION 2.** A new section to chapter 20.1-01 of the North Dakota Century Code is
13 created and enacted as follows:

14 **Exploitation of wildlife - Penalty.**

- 15 1. A person is guilty of exploitation of wildlife if that person intentionally:
- 16 a. Commits five or more title 20.1 misdemeanor offenses within a three-year
17 period;
- 18 b. Furnishes assistance, management, or supervision to an individual who
19 commits or assists in the commission of five or more title 20.1 misdemeanor
20 offenses within a three-year period; or
- 21 c. Commits a title 20.1 misdemeanor offense after having been previously
22 convicted of seven or more title 20.1 misdemeanor offenses within a ten-year
23 period.
- 24 2. Violation of this section is a class C felony and, in addition to other penalties
25 imposed by law, is subject to section 20.1-01-26. The defendant being over a daily
26 or possession limit of fish, small game, or waterfowl is not sufficient as a predicate
27 offense for a conviction under subdivision a or b of subsection 1 unless the state
28 proves that the conduct occurred over more than two days or the person takes or
29 possesses more than four times a daily limit and the state alleges and proves
30 beyond a reasonable doubt that the minimum number of predicate offenses
31 required were committed intentionally. Except for a charge under subdivision c of

1 subsection 1, the state may not charge an individual for both the predicate offense
2 and a charge under this section. A conviction from another state or a federal court
3 for an offense similar to one prescribed in title 20.1 may be used as a conviction
4 under this section.