



MNDNR

2016 FACT SHEET

MINNESOTA DEPARTMENT OF NATURAL RESOURCES



Game and Fish Enforcement and Gross Overlimits Penalties

It is needed because

This proposal will clarify law enforcement and prosecution responsibilities for game and fish and natural resources management efforts, and will provide increased penalties for serious wildlife poaching violations. Poaching removes opportunities for hunting and fishing from other Minnesotans, now and into the future.

Major program elements

Sec. 1. Prosecuting authority. This provision would clarify that the county attorney is the prosecuting authority for game and fish and natural resource management violations such as wetlands and aquatic plant management, water appropriation, and other environment-related violations. The authority would clarify that prosecution includes civil actions for associated property, but does not include any new property authorities.

Sec. 2. Misdemeanor. This provision would clarify that the default penalty for violation of the game and fish laws is a misdemeanor. The 2015 changes to M.S. 645.241 no longer provide a misdemeanor penalty in those instances when a penalty is not specifically listed.

Sec. 3. Gross overlimits of wild animals; penalty. This provision would make only the most serious wildlife violations a felony, based on the restitution value of the wild animals already established in law. Felony poaching violations

could include illegally harvesting 40 or more ducks, 67 or more walleye, five or more bear or turkey, four or more deer, or two or more trophy scoring deer. The restitution value of the wildlife felony theft values proposed is lower than the criminal property value standard. This section would also provide an exception for persons taking a single threatened or endangered wild animal.

Sec. 4 and 5. Seizure and License revocation after conviction. These provisions will provide enhanced license revocations for persons who are convicted of the most serious poaching violations. Longer game and fish license revocations would be imposed under these sections that are based on the restitution value of the wild animals (see Table 1). The restitution values are already provided in law and are not being changed by this proposal.

Key measures and outcomes

DNR provides high-quality hunting and fishing opportunities through appropriate and consistent enforcement of the game and fish laws. We anticipate continued strong and consistent prosecutorial support for the game and fish and natural resource protection laws.

Fiscal impacts

The DNR does not anticipate that these changes will result in fiscal impacts to the state's game and fish fund.

Table 1: Summary of proposed changes to license seizure and revocation for gross overlimits violations, based on wildlife restitution value

	Wildlife restitution value of illegally harvested wild animals	License seizure	License revocation
Current	Greater than \$500	Type of license used in violation	Type of license used in violation for three years after conviction
	Greater than \$5,000	All game and fish licenses	All game and fish licenses and cannot take wild animals for five years after conviction
Proposed	Greater than \$500	Type of license used in violation (same as current)	Type of license used in violation for three years after conviction (same as current)
	Greater than \$1,000, up to \$2,000 (<u>threshold reduced from \$5,000 to \$1,000</u>)	All game and fish licenses	All game and fish licenses and cannot take wild animals for five years after conviction
	Greater than \$2,000 (<u>increased length of revocation from five to ten years</u>)	All game and fish licenses	All game and fish licenses and cannot take wild animals for ten years after conviction

For further information contact

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