

Clearinghouse Rule 07-056

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD AMENDING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to amend ch. NR 8 Title, create subch. I Title of NR 8 and subch. II of NR 8 relating to implementation of the Wildlife Violators Compact.

LE-07-07

Analysis Prepared by the Department of Natural Resources

1. Statutory Authority and Explanation:

Section 29.03, Stats., provides the department with the authority to enter into a Wildlife Violator Compact with other states. Section 29.972, Stats., provides the department with the authority to promulgate rules establishing the procedures to be followed for sharing of information on wildlife related arrests and the revocation of hunting, fishing and trapping license privileges between Wisconsin and other states participating as member of the compact.

2. Statutes Interpreted and Explanation:

Section 29.03, Stats, adopts the current provisions of the Wildlife Violator Compact, which outlines the procedures each state must follow when they become a participant in the compact with regards to sharing of arrest records and the revocation of hunting, fishing or trapping licenses. Rules are needed to establish the procedures necessary to implement the compact. Section 29.972, Stats., created under 2005 Wis. Act 282 requires the department to deny an application to issue or renew, or revoke if already issued, all hunting, fishing, or trapping approvals issued to a person under ch. 29, Stats., if the person is charged with a wildlife related violation in this state and does not take care of the matter by appearing in court or posting the required penalty. This section requires the department to promulgate rules that establish the procedures to be followed for the revocation of hunting, fishing and trapping license privileges and approvals under these circumstances. In addition to establishing procedures for the revocation of license privileges and approvals, the department must establish procedures for:

- exchange of information between the department, the district attorneys, and the clerks of court.
- providing notice to the person who is subject to the revocation and their opportunity for an administrative appeal to the department.

3. Related Statute or Rule: Sections 23.54(3)(k), 23.55(2)(c), 23.63(2), 29.99, 814.76(20), 814.77(16) and 973.05(2m), Stats.

4. Plain Language Rule Analysis:

SECTION 1 repeals the title of Chapter NR 8, Wis. Adm. Code which was "Standards and procedures for the automated license issuance system" and recreates it to read "License and permit procedures".

SECTION 2 and 3 create 2 subchapters with in Chapter NR 8, Wis. Adm. Code. Subchapter I contains the original language and sections found in Chapter NR 8, Wis. Adm. Code related to the standards and procedures for the automated license issuance system. Subchapter II contains the new rules establishing procedures for the revocation of hunting, fishing and trapping approvals as required by the Wildlife Violator Compact and s. 29.972, Stats.

SECTION 4 of the order creates definitions and establishes the procedures to be followed by the clerk of courts and the departments Wildlife Violator Compact Administrator when it is necessary to revoke a persons hunting, fishing and trapping approvals as required by the Wildlife Violator Compact and s. 29.972, Stats. More specifically, these rules establish procedures to be followed by the clerk of courts and the departments Wildlife Violator Compact Administrator when a person who is charged with a violation of a wildlife related law in this state or a state that is a member of the wildlife Violator

Compact and fails to pay or appear in court. These rules establish revocation related notification requirements and acknowledgement of compliance notification requirements. This order also establishes the term of a revocation for failure to pay or appear in court and when a person is entitled to the opportunity for and administrative appeal of a revocation made under these rules.

To comply with the due process requirements of s. 29.03(4)(a), Stats., these rules require that when a person violates a wildlife related law and is issued a citation pursuant to s. 23.53, Stats., or served a complaint and summons pursuant s. 23.55, Stats., the issuing officer or the District Attorney issuing the complaint and summons shall provide the violator with a written notice that informs the violator that Wisconsin is a member of the Wildlife Violator Compact and what the ramifications will be if their hunting, fishing or trapping privileges or approvals are revoked in this state, or if they fail to appear in court, pay the required penalty or otherwise fails to resolve the charges.

Lastly, this order clarifies that any revocations or convictions occurring or imposed in this state prior to the effective date of this rule or the date the state becomes a participant of the wildlife violator compact pursuant to s. 29.03(8)(c), Stats., which ever is later, shall not be subject to the these new rules or the provisions of the Wildlife Violator Compact.

5. Summary of and preliminary comparison with existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule.

There are no existing federal regulations that affect the proposed rules.

6. Comparison of similar rules in adjacent states (Minnesota, Iowa, Illinois and Michigan)

Each of the states of Minnesota, Iowa and Michigan have joined the Wildlife Violators Compact as a participating state, along with 21 other states to date. Illinois, like Arkansas, Mississippi and Wisconsin have passed authorizing legislation and are working toward joining the compact. Most of the member states have adopted the Wildlife Violators Compact Manual under their state statute as Wisconsin has done. Some states, such as Iowa, have also implemented administrative rules to establish procedures for implementing the provisions of the compact.

The administrative rules created by the State of Iowa, like this rule order, created definitions, established a 30 day period from time of notification until the revocation would take effect, created a requirement that violators be advised in writing of revocations and the circumstances which resulted in the revocation, the effective date of the revocation, how to avoid the revocation and what issues are subject to appeal. Iowa's rules also establish reinstatement provisions and uses first class mail sent to the violators last known address as the method of notification. Iowa's rules also require a notice be sent to the violator confirming when the matter has been resolved and impose hunting, trapping or fishing privilege revocation in that state when a person is revoked in any other member state, including the requirement that the revocation information be entered into their departments records.

States that are currently members of the Wildlife Violators Compact include: Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Mississippi, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington and Wyoming.

7. Summary of the factual data and analytical methodologies that the agency used in support of the proposed rule and how any related findings support the regulatory approach chosen for the proposed rule: The department has reviewed the laws and rules in place in the surrounding participating states and will contact the district attorneys and clerks of courts associations.

8. Analysis and supporting documentation that the agency used in support of the agency's determination of the rules effect on small businesses under s. 227.114, stats or that was used when the agency prepared an economic impact report:

This rule does not regulate small business and is not anticipated to have any significant effect on them.

9. Effects on Small Businesses including how rule will be enforced:

This rule is not anticipated to have any significant effect on small businesses.

10. Agency contact person:

Tom Van Haren, 101 S. Webster St., PO BOX 7921, Madison, WI 53707 (608)266-3244,
Thomas.VanHaren@wi.gov

11. Place where comments are to be submitted and deadline for submission:

Tom Van Haren, 101 S. Webster St., PO BOX 7921, Madison, WI 53707 (608)266-3244,
Thomas.VanHaren@wi.gov . The deadline for written comments is July 27, 2007.

SECTION 1. NR 8 (title) is repealed and recreated to read:

NR 8 (title) LICENSE AND PERMIT PROCEDURES

SECTION 2. NR 8 Subchapter I (title) is created to read:

NR 8 (title) SUBCHAPTER I – STANDARDS AND PROCEDURES FOR THE AUTOMATED LICENSE ISSUANCE SYSTEM

[Note to reviser: Place NR 8 Subchapter I (title) before s. NR 8.01]

SECTION 3. NR 8 subchapter II (title) is created to read:

NR 8 (title) SUBCHAPTER II - PROCEDURES FOR REVOCATION OF HUNTING, FISHING AND TRAPPING APPROVALS

[Note to reviser: Begin numbering of Subchapter II at s. NR 8.50]

SECTION 4. NR 8.50 through 8.55 are created to read:

NR 8.50 Purpose. This subchapter is adopted to establish consistent standards for implementing the provisions of the Wildlife Violator Compact under s. 29.03, Stats., and the revocation requirements of s. 29.972, Stats. The intent is to ensure all violators who have their hunting, fishing or trapping privileges and approvals revoked by a court as the result of a violation or by the department for failure to appear or pay a fine or forfeiture in this or another participating state are notified of their revocation status and of their appeal rights.

NR 8.51 Definitions. For the purpose of this subchapter:

(1) "Citation" has the meaning given in s. 29.03(2)(a), Stats., and includes summons and complaints issued by a district attorney at the request of a wildlife officer or peace officer.

Note: Section 29.03(2)(a), Stats., states that "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment or other official document that a wildlife officer or other peace officer issues to a person for a wildlife violation that contains an order requiring the person to respond.

(2) "Convicted" or "conviction" has the meaning given under s. 29.03(2)(d), Stats.

Note: Section 29.03(2)(d), Stats., states that "Conviction" means a conviction, including any court conviction, for any offense related to the preservation, protection, management, or restoration of wildlife that is prohibited by state law, regulation, ordinance, resolution, or administrative rule. "Conviction" shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having

committed the offense, the payment of a penalty assessment or surcharge, a plea of no contest, and the imposition of a deferred or suspended sentence by a court.

(3) "Department" means the department of natural resources.

(4) "Issuance" means a letter sent by first class mail to the persons last known address.

(5) "Last known address" means the address provided by the violator to the officer issuing the citation.

(6) "Notice of compliance" means written documentation that a person has complied with or taken action to resolve a citation, summons or complaint through an appearance in court or through the payment of forfeitures, fines, costs and surcharges, if any. The notice shall include the violator's full name, date of birth, last known address, description of violation, statute or rule number violated, date of violation, county of violation, original court date, final disposition including any penalty imposed or additional court ordered revocation still in effect and the term of any court ordered revocation.

(7) "Notice of failure to comply" means written documentation that a person has not complied with or taken action to resolve a citation, summons or complaint through an appearance in court or through the payment of forfeitures, fines, costs and surcharges, if any. The notice shall include the violator's full name, date of birth, last known address, description of violation, statute or rule number violated, date of violation, county of violation, name and address of court with jurisdiction over the matter, original court date and the penalty imposed.

(8) "Notice of revocation" means written confirmation that a person has failed to comply with or take action to resolve a citation, summons or complaint through an appearance in a court or through the payment of forfeitures, fines, costs and surcharges, if any, and that such inaction will result in the revocation of that person's hunting, fishing and trapping licenses, privileges and approvals in this state and all participating states. The notice shall include the violator's full name, date of birth, last known address, description of violation, statute or rule number violated, date of violation, County of violation, name and address of court with jurisdiction over the matter, original court date and the penalty imposed.

(9) "Participating state" has the meaning given under s. 29.03(2)(j), Stats.

Note: Section 29.03(2)(a), Stats., states that "Participating state" means any state that enacts legislation to become a member of this wildlife compact.

(10) "Privileges" means ability to hunt, fish or trap wild animals in this state, or purchase, obtain or apply for any approval or preference points related to hunting, fishing or trapping of wild animals.

(11) "Resolve" means to come into compliance with all required actions related to a citation, summons or complaint through an appearance in a court or the payment of all forfeitures, fines, costs and surcharges, if any.

(12) "Revocation" or "revoked" means suspension as defined under s. 29.03(2)(m), Stats.

(13) "Violator" means a person who commits a wildlife related violation.

(14) "Wildlife related violation" means any violation of ch. 29, Stats., or chs. NR 10 to 15 and 18 to 28, or a similar violation committed in a participating state.

NR 8.52 Revocations for failure to pay or appear in court. (1) VIOLATIONS OCCURRING IN WISCONSIN.

(a) *Clerk of courts.* When a violator fails to respond to a citation, appear before the court, or pay a fine or forfeiture imposed for a violation of a wildlife related law which has occurred in this state, the clerk of courts shall within 5 days of the court date or judgment by the court:

1. Issue a notice of failure to comply to the violator informing them of any warrant or judgment by the court and the potential additional revocation of the violators ch. 29, Stats., hunting, fishing and trapping licenses, privileges and approvals by the department. The notification letter shall inform the violator of all the following:

- a. Description and date of the violation, including citation or case number.
- b. Action of the court.
- c. Procedures to be followed in resolving the matter with the court.
- d. Complete information, including the name, address and telephone number of the court.
- e. Revocation order of the court, if any, and the potential revocation by the department of all hunting, fishing and trapping licenses, privileges and approvals under s. 29.972, Stats., if the matter is not resolved by the date established by the court.
- f. Prior to the effective date of the revocation, the violator may avoid the revocation through an appearance in the court with jurisdiction over the charges or through the payment of all penalties, costs and surcharges associated with the violations.

2. Send a copy of the notice of failure to comply letter issued under subd. 1., to the department's Wildlife Violator Compact Administrator in writing or electronically.

Note: Written notices may be mailed to the: Department of Natural Resources, Wildlife Violator Compact Administrator, 101 S. Webster St., P.O. Box 7921, Madison, WI 53707-7921, or by FAX at (608) 266-3696. An e-mail address for the Compact Administrator may be obtained by calling the departments Bureau of Law Enforcement at (608) 266-2141.

Note: Where default judgments are allowed by law and ordered by the court, the notice would typically be sent to the department upon entry of the default judgment. If a bench warrant is used, the notice would typically be sent upon issuance of the bench warrant.

3. Complete a form provided by the department that provides the parameters of any revocation ordered by the court, including types of licenses, privileges and approvals revoked and term of revocation.

(b) *Wildlife violator compact administrator.* The department's Wildlife Violator Compact Administrator or designee shall keep a file of all notices of failure to comply and resolution notifications regarding matters identified under par. (a) received from the clerk of courts and shall do all of the following:

1. Issue a notice of revocation to a violator who fails to comply with a notice of noncompliance issued by the clerk of courts under par. (a). In addition to any other required information, the notice of revocation shall inform the violator of all the following:

- a. Revocation shall take effect 21 days after issuance of the notice of revocation, unless an earlier date has been specified by the court. The date on which the revocation takes effect shall be provided in the notice of failure to comply.

b. Revocation shall remain in effect until the department receives verification that the matter has been resolved. Verification may be written documentation issued by the clerk of courts to the violator or the department, electronic verification from the clerk of courts to the department or verification of records available from the Consolidated Court Automation Program (CCAP) case management system.

c. The conditions provided under s. 29.972, Stats., which the violator may request a hearing to appeal the revocation and the procedures for doing so.

Note: Pursuant to s. 29.972, Stats., the opportunity for an administrative appeal to the department is limited to the issue of whether the violator:

1. Failed to respond to a summons under s. 23.66 (3) or 23.67 (4), Stats., or a warrant or summons under s. 968.04, Stats., or
2. Failed to appear on the court date set under s. 23.72 or 23.75, Stats., unless the person makes a deposit under s. 23.66, Stats., or makes a deposit and stipulation under s. 23.67, Stats., or
3. Failed to appear before the court and is subject to a bench warrant under s. 968.09, Stats.

2. Update the department's Automated License Issuance System (ALIS) as necessary with a violator's revocation status, including the starting date and the ending date when known.

3. Notify all other participating states of the hunting, fishing and trapping revocation status of a violator for any wildlife related violations.

Note: Revocations of ch. 29, Stats., license approvals and privileges for violations of state laws not listed in subd. 3., and revocations imposed under ss. 29.024(2g)(d) or (2r)(d), 938.17(2)(d)1., 938.34(8) or (8d)(d) and 938.343(2) or (6), Stats., or for a violation of s. 167.31(3m)(a), Stats., are not subject to the provisions of the Wildlife Violators Compact under s. 29.03, Stats.

Note: Section 29.972(2) (a), Stats., does not require the administrative revocation by the department if the court has already revoked any or all of the person's hunting, fishing, or trapping approvals under s. 23.79 (4) or 23.795 (2), Stats.

(c) *Wildlife violator compact administrator acknowledgement of compliance.* When the violator has resolved the matter subject to par. (a) with the court and the department has received written notice of compliance in writing or electronically from the clerk of courts, or has verified from the Consolidated Court Automation Program (CCAP) case management system that the violator has resolved the matter, the department's Wildlife Violator Compact Administrator or designee shall:

a. Issue the violator an acknowledgement of receipt of the notice of compliance. The acknowledgement letter shall include the date on which the revocation of the violator's hunting, fishing and trapping licenses, privileges and approvals which resulted from the failure to pay or appear were reinstated by the department.

b. Update the department's Automated License Issuance System (ALIS) as necessary with any change in the violator's hunting, fishing and trapping license revocation status.

c. Provide updated information to all other participating states of the change in hunting, fishing and trapping license revocation status of the violator.

Note: A clerk of court and the department shall consider a revocation under s. 29.972(2), Stats., to be resolved when the violator complies with the order of the court, the judgment is satisfied, or the court orders the revocation of the person's ch. 29, Stats., privileges or approvals under the authority of s. 29.971, Stats.

(d) *Alternative revocation.* 1. Notwithstanding the procedures established in par. (a), the department may revoke all hunting, fishing and trapping licenses, privileges and approvals of a violator

pursuant to s. 29.972, Stats., when the department determines that the procedures of par. (a) are applicable, but have not been complied with. If the department revokes the violator's hunting, fishing and trapping license privileges and approvals under this paragraph, the department Wildlife Violator Compact Administrator or designee shall:

- a. Send notices to the violator containing the information required under pars. (a) to (c).
- b. Update the department's Automated License Issuance System (ALIS) as necessary with a violator's revocation status, including the starting date and the ending date when known.
- c. Provide updated information to all other participating states of the hunting, fishing and trapping license revocation status of the violator.

Note: Revocations of ch. 29, Stats., license approvals and privileges for violations of state laws not listed in subd. 3., and revocations imposed under ss. 29.024(2g)(d) or (2r)(d), 938.17(2)(d)1., 938.34(8) or (8d)(d) and 938.343(2) or (6), Stats., or for a violation of s. 167.31(3m)(a), Stats., are not subject to the provisions of the Wildlife Violators Compact under s. 29.03, Stats.

Note: Section 29.972(2) (a), Stats., does not require the administrative revocation by the department if the court has already revoked any or all of the person's hunting, fishing or trapping approvals under s. 23.79 (4) or 23.795 (2), Stats.

2. When the violator has resolved the matter subject to pars. (a) and (b) with the court and the department has received written notice of compliance in writing or electronically from the clerk of courts, or has verified from the Consolidated Court Automation Program (CCAP) case management system that the violator has resolved the matter, the department's Wildlife Violator Compact Administrator or designee shall:

- a. Issue the violator an acknowledgement of receipt of the notice of compliance with the judgment of the court and include the date on which the revocation of the violator's hunting, fishing and trapping licenses, privileges and approvals which resulted from the failure to pay or appear were reinstated by the department.
- b. Update the department's Automated License Issuance System (ALIS) as necessary with any change in the violator's hunting, fishing and trapping license revocation status.
- c. Provide updated information to all other participating states of the change in hunting, fishing and trapping license revocation status of the violator.

Note: A clerk of court and the department shall consider a revocation under s. 29.972(2), Stats., to be resolved when the violator complies with the order of the court, the judgment is satisfied, or the court orders the revocation of the person's ch. 29, Stats., privileges or approvals under the authority of s. 29.971, Stats.

(f) *Appeals and request for a hearing.* 1. The opportunity for an administrative appeal to the department pursuant to s. 29.972, Stats., shall be limited to the issue of whether the violator failed to either:

- a. Respond to a warrant or summons.
 - b. Appear on their court date.
 - c. Make a deposit or a deposit and stipulation.
 - d. Appear before the court and is subject to a bench warrant.
2. The question of guilt or innocence regarding the original charge or good cause for failing to resolve the matter will not be a subject of hearings held under the provisions of this section.

3. If the suspension is upheld, the violator must then proceed to resolve the court case with the revocation remaining in effect.

4. If the revocation is denied for any reason, the matter is terminated and the revocation order vacated.

Note: Appeals shall be subject to the procedures under s. 227.42, Stats., which shall be limited to the issues specified in s. 29.972(1)(a) to (c), Stats.

Note: Pursuant to s. 29.972, Stats., the opportunity for an administrative appeal to the department are limited to the issue of whether the violator:

1. Failed to respond to a summons under s. 23.66 (3) or 23.67 (4), Stats. or a warrant or summons under s. 968.04, Stats., or
2. Failed to appear on the court date set under s. 23.72 or 23.75, Stats., unless the person makes a deposit under s. 23.66, Stats., or makes a deposit and stipulation under s. 23.67, Stats., or
3. Failed to appear before the court and is subject to a bench warrant under s. 968.09, Stats.

(g) *Exemption.* This subsection does not apply to a violator who prior to the effective date of this rule...[Reviser insert date] failed to do either of the following in response to a wildlife related law violation that occurred in this state:

1. Appear before the court or otherwise respond as required to a citation or complaint.
2. Pay the required fine or forfeiture.

(2) VIOLATION OCCURRING IN A PARTICIPATING STATE. (a) *Receipt of notification.* When the department receives a notice of failure to comply from a participating state that a Wisconsin resident has been charged with a wildlife related violation in the participating state and has failed to respond to the citation, summons or complaint, or failed to appear before the court with jurisdiction, or failed to pay the fine or forfeiture imposed for the violation, the Wildlife Compact Administrator or designee shall:

1. Issue the violator a notice of revocation which informs the violator of the department's receipt of a notice of noncompliance from the participating state and of the requirements of the Wildlife Violator Compact pursuant to s. 29.03, Stats. In addition to any other information required, the notice of revocation shall include the following:

- a. Description and date of the violation, including citation or case number.
- b. Explanation of the action taken by the court.
- c. Procedures to be followed in resolving the matter with the court.
- d. Name, address and telephone number of the court.
- e. The revocation includes all hunting, fishing and trapping licenses, privileges and approvals if the matter is not resolved.
- f. That prior to the effective date of the revocation, the violator may avoid the revocation through an appearance in the court with jurisdiction over the charges or through the payment of all penalties, costs and surcharges associated with the violations.
- g. Effective date of the revocation, which shall be 21 days after issuance of the notice.

h. That once a revocation has become effective, the revocation may only be lifted upon the department's receipt of a written notice of the compliance from the participating state in which the violation occurred.

(b) *Administrative revocation by the department.* When a violator fails to resolve the matter within 21 days of the date the notice of revocation was issued, the department shall revoke all the violator's hunting, fishing and trapping license privileges and approvals and the department's Wildlife Violator Compact Administrator or designee shall:

1. Forward a copy of the notice of revocation to the participating state. The notice shall include the effective date of the revocation.

2. Enter the person's identifying information and beginning date of the revocation of all hunting, fishing and trapping license, privileges and approvals into the department's Automated License Issuance System (ALIS).

(c) *Denial of applications for approvals.* In addition to the requirements under par. (b), the department, through the Automated License Issuance System (ALIS), shall deny all applications for hunting, fishing and trapping licenses, approvals and preference points to the violator until the department's Wildlife Violator Compact Administrator is notified in writing by the participating state that the matter leading to the revocation has been resolved to the satisfaction of the participating state.

(d) *Appeals and request for a hearing.* 1. The opportunity for an administrative appeal to the department shall be subject to the procedures under s. 227.42, Stats., which shall be limited to the issues specified in s. 29.972(1)(a) to (c), Stats., and the issue of whether the violator failed to either:

- a. Respond to a warrant or summons.
- b. Appear on their court date.
- c. Make a deposit or a deposit and stipulation.
- d. Appear before the court and is subject to a bench warrant.

2. The question of guilt or innocence regarding the original charge or good cause for failing to resolve the matter will not be a subject of hearings held under the provisions of this section.

3. If the suspension is upheld, the violator shall then proceed to resolve the matter with the participating state. The revocation remains in effect until the matter is resolved.

4. If the revocation is denied for any reason, the matter is terminated and the revocation order vacated. In those cases, the issuing state will be informed of the reason for denial.

Note: Appeals shall be subject to the procedures under s. 227.42, Stats., which shall be limited to the issues specified in s. 29.972(1)(a) to (c), Stats.

Note: Pursuant to s. 29.972, Stats., the opportunity for an administrative appeal to the department are limited to the issue of whether the violator:

1. Failed to respond to a summons under s. 23.66 (3) or 23.67 (4), Stats., or a warrant or summons under s. 968.04, Stats., or
2. Failed to appear on the court date set under s. 23.72 or 23.75, Stats., unless the person makes a deposit under s. 23.66, Stats., or makes a deposit and stipulation under s. 23.67, Stats., or
3. Failed to appear before the court and is subject to a bench warrant under s. 968.09, Stats.

(3) TERM OF REVOCATIONS. (a) A revocation imposed pursuant to s. 29.972, Stats., for failure to respond to a citation, summons or complaint, appear before the court or pay a fine or forfeiture related to a wildlife related law violation shall remain in effect until the department receives a notice of compliance in writing or electronically from clerk of courts, or the Wildlife Violator Compact Administrator of designee has verified from the Consolidated Court Automation Program (CCAP) case management system that the judgment or court order has been satisfied.

(b) A revocation imposed pursuant to s. 29.03, Stats., for failure to respond to a citation, summons or complaint, appear before the court or pay a fine or forfeiture for a wildlife related violation in a participating state, shall remain in effect until the department receives a written or electronic notice issued by the participating state that the judgment has been satisfied.

(4) REINSTATEMENT OF LICENSE PRIVILEGES. License privileges or approvals revoked pursuant to this subchapter may be reinstated by the department upon the receipt of an acknowledgement of compliance from the clerk of court, through verification from the Consolidated Court Automation Program (CCAP) case management system or from participating state with jurisdiction.

NR 8.53 Revocation by the court. (1) NOTIFICATION. (a) When the court revokes any of a persons ch. 29, Stats., licenses, privileges or approvals for a wildlife related law violation or for failure to pay a forfeiture as authorized under s. 938.17(2)(d)1., 938.34(8) and (8d)(d) and 938.343(2) and (6), Stats., or for a violation of s. 167.31(3m)(a), Stats., the clerk of courts shall:

1. Notify the violator by issuance of a letter of the judgment by the court. The notification letter shall state the period of revocation and the circumstances that resulted in the revocation.
2. Enter the revocation status into the Consolidated Court Automation Program (CCAP) case management system within 5 days of the revocation order of the court.
3. Send a copy of the notification letter to the department's Wildlife Violator Compact Administrator.
4. Notify the department's Wildlife Violator Compact Administrator if the court later reinstates the violators ch. 29, Stats., license approvals and privileges and the date on which the reinstatement occurs.

Note: Revocations of ch. 29, Stats., license approvals and privileges for violations of state laws that are not wildlife related violations and revocations imposed under ss. 29.024(2g)(d) or (2r)(d), 938.17(2)(d)1., 938.34(8) or (8d)(d) and 938.343(2) or (6), Stats., or for a violation of s. 167.31(3m)(a), Stats., are not subject to the provisions of the Wildlife Violators Compact under s. 29.03, Stats.

Note: Notices may be mailed to the: Department of Natural Resources, Wildlife Violator Compact Administrator, 101 S. Webster St., P.O. Box 7921, Madison, WI 53707-7921.

(b) When a court revokes any hunting, fishing or trapping privileges and approvals for a wildlife related violation pursuant to the penalty provisions allowed or required under s. 29.971, Stats., the clerk of courts shall:

1. Notify the violator by issuance of a letter of the judgment by the court. The notification letter shall inform the violator of all the following:
 - a. Description and date of the violation, including citation or case number.
 - b. Action of the court.

c. Starting and ending date of the revocation.

d. The licenses, privileges and approval types which have been revoked by the court.

2. Enter the revocation status into the Consolidated Court Automation Program (CCAP) case management system within 5 days of the revocation order of the court.

3. Send a copy of the notification letter to the department's Wildlife Violator Compact Administrator.

4. Notify the department's Wildlife Violator Compact Administrator if the court later reinstates the violators ch. 29, Stats., privileges or approvals and the date on which the revocation ends.

Note: Notices may be mailed to the: Department of Natural Resources, Wildlife Violator Compact Administrator, 101 S. Webster St., P.O. Box 7921, Madison, WI 53707-7921.

Note: Where default judgments are allowed by law, the notice would typically be sent to the department upon entry of the default judgment. If a bench warrant is used, the notice would typically be sent upon issuance of the bench warrant.

(2) TERM OF REVOCATION. Under this section, the term of the revocation is the period specified by the court or required under s. 29.971, Stats.

NR 8.54 Revocation for violations committed in a participating state. (1) RECEIPT OF NOTIFICATION. (a) When the department receives written or electronic notice from a participating state that the participating state has suspended or revoked a violator's hunting, fishing or trapping licenses, privileges or approvals in the participating state, the department's Wildlife Violator Compact Administrator or designee shall:

1. Maintain a record of the notification.

2. Enter the violator's identifying information and revocation status into the department's Automated License Issuance System (ALIS) if not already entered into the system.

3. Send a letter to the violator notifying them which ch. 29, Stats., licenses, privileges and approvals have been revoked in this state as a result of their revocation in the participating state.

(b) In addition to the requirements under par. (a), the department, through the Automated License Issuance System (ALIS), shall deny applications for any hunting, fishing and trapping licenses, privileges or approvals subject to the revocation for the term of the revocation.

(c) Written or electronic notice received under this section from a participating state shall not be recognized by the department unless the notice includes the violator's full name, date of birth, last known address, violation description along with statute or rule number violated, date, county and state of violation, penalty imposed and original court date.

(2) TERM OF REVOCATION. A revocation in this state based upon a notice received from a participating state in accordance with s. 29.03, Stats., shall remain in effect until the term of the revocation expires or until the department receives written or electronic notification from the participating state that the revocation has been terminated, whichever comes first.

NR 8.55 Wildlife violator compact notice to violators. When a person violates a wildlife related law and is issued a citation pursuant to s. 23.53, Stats., or served a complaint and summons

pursuant s. 23.55, Stats., the issuing officer or the district attorney issuing the complaint and summons shall provide the violator with a written notice that informs the violator that Wisconsin is a member of the Wildlife Violator Compact and what the ramifications will be if their hunting, fishing or trapping privileges or approvals are revoked in this state, or if they fail to appear in court, pay the required penalty or otherwise fails to resolve the charges.

NR 8.56 Retroactivity. Revocations and convictions occurring or imposed in this state prior to the effective date of this rule... [Reviser insert date] or the date the state becomes a participant of the wildlife violator compact pursuant to s. 29.03(8)(c), Stats., which ever is later, are not subject to the provisions of this subchapter or the Wildlife Violator Compact.

Note: Section 29.03(8)(c), Stats., states the effective date of entry into the compact shall be specified by the applying state but shall not be less than 60 days after notice has been given by one of the following: 1. The chairperson of the board of the compact administrators; 2. The secretary of the board to each participating state that the resolution from the applying state has been received.

Section 5. Effective date. This rule shall take effect January 1, 2008 or the date on which the department officially becomes a participating state under s. 29.03(8), Stats., which ever is later, but not before the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Section 6. Board adoption. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)