



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2005 Wisconsin Act 282**  
[2005 Assembly Bill 26]

**Wildlife Violator Compact**

### *Wildlife Violator Compact*

2005 Wisconsin Act 282 creates the statutory language necessary for Wisconsin to enter into the wildlife violator compact. The wildlife violator compact creates a multi-state approach to suspension of the hunting and fishing privileges of a wildlife law violator. Approximately 20 states have adopted the compact.

Under the compact, a violator whose hunting and fishing privileges are suspended in one participating state also has those privileges suspended in all participating states. The compact also requires each participating state to issue a citation or summons and complaint to a nonresident violator without requiring the violator to post bond. If a violator in Wisconsin is not the resident of a state that participates in the compact, all current procedures (in most cases, issuance of a summons and complaint and a requirement to post bond) will continue to apply.

If the violator in Wisconsin is the resident of a participating state, the warden will issue a citation for any noncriminal violator in the same manner as to a Wisconsin resident. The district attorney issues a summons and complaint in any case where the penalty for a wildlife law violation is a crime. The compact prohibits any requirement for the nonresident violator to post a bond to secure an appearance before the court, so long as the nonresident violator presents the warden with adequate proof of identification. (This prohibition applies to both civil and criminal wildlife law violators.) If the nonresident violator is convicted of the violation, fails to pay the forfeiture, or fails to appear on the court date in the summons, the court or the district attorney informs the Department of Natural Resources (DNR), and the DNR sends this information to the violator's home state.

When the violator's home state receives the notice from the DNR, the violator's home state notifies the violator and suspends the violator's home state hunting and fishing privileges until the Wisconsin DNR sends the home state a notice of compliance. If the nonresident violator is convicted of a fish and game law violation in Wisconsin, the home state is required by the compact to treat the

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

conviction as if it occurred in the home state for suspension purposes. (In other words, a conviction that does not result in a suspension in Wisconsin could result in a suspension in the violator's home state, based on that state's law.) Each state in the compact notifies all other states in the compact when a suspension occurs, and each participating state recognizes the suspension of license privileges by any participating state as though the violation had occurred in that state and could have been the basis for suspension of license privileges in that state.

All of the procedures described above apply equally to a Wisconsin resident who violates fish and game laws in any other participating state.

### **Fish and Game Law Enforcement Procedures**

Act 282 adds several provisions to current Wisconsin fish and game enforcement procedures so that the Wisconsin procedures mesh with the procedures in the wildlife violator compact.

- The form for a citation and for a summons and complaint, which is issued to a person who violates fish and game regulations, is modified to include a notice that the person may be subject to suspension of all hunting and fishing approvals, if the person fails to appear in court at the time set in the citation or the summons and complaint.

- The statutes are modified to allow a citation to be issued to a nonresident by having a law enforcement officer deliver it personally or by mailing it to the nonresident at the defendant's last-known address, which is similar to the procedure for service on residents.

- A new procedure is created that requires DNR to deny an application to issue or renew, or suspend if already issued, all hunting and fishing approvals issued to a person who: (1) violates fish and game regulations and fails to respond to a summons; (2) fails to appear on the court date without making a deposit and stipulating to a plea of no contest; or (3) fails to appear before the court and is subject to a bench warrant. In practice, judges often suspend the hunting and fishing privileges of a person who fails to respond to a summons or fails to appear on the court date. However, the judge was not previously required to do this, and the new procedure assures that suspension occurs in all of these cases. Suspension by the DNR remains in effect until the person resolves the matter with the court. This new procedure applies whether or not the defendant is the resident of a state that participates in the compact.

- DNR is required to develop procedures for communications between the DNR, district attorneys, and clerks of court, and to provide notice to the person who is subject to denial or suspension.

- An opportunity is provided for an administrative appeal to the DNR which is limited to the issue of whether the person's failure to respond to the summons or to appear in court is sufficient to require the DNR to refuse to issue or renew, or to suspend the approvals.

- The Act creates a wildlife violator compact surcharge, which consists of a \$5 penalty that is added to the penalty (fine or forfeiture), for any violation of Wisconsin fish or game statutes or orders. The funds received from the wildlife violator compact surcharge are deposited in the Conservation Fund.

***Effective Date:*** The Act takes effect on April 21, 2006.

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