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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **2845**

03/10/2016 Authored by Hackbarth

The bill was read for the first time and referred to the Committee on Mining and Outdoor Recreation Policy

03/17/2016 Adoption of Report: Amended and re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to game and fish; modifying penalties for gross overlimits; providing
1.3 criminal penalties; amending Minnesota Statutes 2014, sections 97A.201, by
1.4 adding a subdivision; 97A.301, subdivision 1; 97A.338; 97A.421, subdivision 2a.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2014, section 97A.201, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 3. **Prosecuting authority.** (a) County attorneys must prosecute violations an
1.9 enforcement officer is authorized to enforce under section 97A.205, clause (5).

1.10 (b) Prosecution under paragraph (a) includes associated civil actions provided by law.

1.11 Sec. 2. Minnesota Statutes 2014, section 97A.301, subdivision 1, is amended to read:

1.12 Subdivision 1. **Misdemeanor.** Unless a different penalty is prescribed, a person
1.13 is guilty of a misdemeanor if that person:

1.14 (1) ~~takes, buys, sells, transports or possesses a wild animal in violation of~~ violates
1.15 the game and fish laws;

1.16 (2) aids or assists in committing the violation;

1.17 (3) knowingly shares in the proceeds of the violation;

1.18 (4) fails to perform a duty or comply with a requirement of the game and fish laws;

1.19 (5) knowingly makes a false statement related to an affidavit regarding a violation or
1.20 requirement of the game and fish laws; or

1.21 (6) violates or attempts to violate a rule under the game and fish laws.

2.1 Sec. 3. Minnesota Statutes 2014, section 97A.338, is amended to read:

2.2 **97A.338 GROSS OVERLIMITS OF WILD ANIMALS; PENALTY.**

2.3 (a) A person who takes, possesses, or transports wild animals over the legal limit, in
2.4 closed season, or without a valid license, when the restitution value of the wild animals
2.5 is over \$1,000 is guilty of a gross overlimit violation. A violation under this section
2.6 paragraph is a gross misdemeanor.

2.7 (b) A person who takes, possesses, or transports two or more trophy animals as
2.8 defined in Minnesota Rules, part 6133.0020, subpart 11, over the legal limit, in closed
2.9 season, or without a valid license, is guilty of a gross overlimit violation. A violation
2.10 under this paragraph is a gross misdemeanor.

2.11 Sec. 4. Minnesota Statutes 2014, section 97A.421, subdivision 2a, is amended to read:

2.12 Subd. 2a. **License revocation after conviction.** (a) A person may not obtain a
2.13 license to take a wild animal and is prohibited from taking wild animals for ten years after
2.14 the date of conviction of a violation of section 97A.338, paragraph (b).

2.15 (b) A person may not obtain a license to take a wild animal and is prohibited from
2.16 taking wild animals for a period of five years after the date of conviction of:

2.17 (1) a violation when the restitution value of the wild animals is \$5,000 or more; or

2.18 (2) a violation when the restitution value of the wild animals exceeds \$500 and
2.19 the violation occurs within ten years of one or more previous license revocations under
2.20 this subdivision.

2.21 ~~(b)~~ (c) A person may not obtain a license to take the type of wild animals involved in
2.22 a violation when the restitution value of the wild animals exceeds \$500 and is prohibited
2.23 from taking the type of wild animals involved in the violation for a period of three years
2.24 after the date of conviction of a violation.

2.25 ~~(e)~~ (d) The time period of multiple revocations under paragraph ~~(a)~~ (b), clause
2.26 (2), shall be is consecutive and no wild animals of any kind may be taken during the
2.27 entire period.

2.28 ~~(d)~~ (e) The court may not stay or reduce the imposition of license revocation
2.29 provisions under this subdivision.