

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 1374

(SENATE AUTHORS: EICHORN, Ingebrigtsen and Lang)

DATE	D-PG	OFFICIAL STATUS
02/23/2017	764	Introduction and first reading
		Referred to Environment and Natural Resources Policy and Legacy Finance
03/14/2017	1439a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to natural resources; modifying enforcement and penalty provisions;
- 1.3 providing criminal penalties; amending Minnesota Statutes 2016, sections 97A.055,
- 1.4 subdivision 2; 97A.201, subdivision 2, by adding a subdivision; 97A.225,
- 1.5 subdivision 8; 97A.301, subdivision 1; 97A.338; 97A.420, subdivision 1; 97A.421,
- 1.6 subdivision 2a.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2016, section 97A.055, subdivision 2, is amended to read:
- 1.9 Subd. 2. **Receipts.** The commissioner of management and budget shall credit to the
- 1.10 game and fish fund all money received under the game and fish laws and all income from
- 1.11 state lands acquired by purchase or gift for game or fish purposes, including receipts from:
- 1.12 (1) licenses and permits issued;
- 1.13 (2) fines and forfeited bail;
- 1.14 (3) sales of contraband, wild animals, and other property under the control of the division,
- 1.15 except as provided in section 97A.225, subdivision 8, clause (2);
- 1.16 (4) fees from advanced education courses for hunters and trappers;
- 1.17 (5) reimbursements of expenditures by the division;
- 1.18 (6) contributions to the division; and
- 1.19 (7) revenue credited to the game and fish fund under section 297A.94, paragraph (e),
- 1.20 clause (1).

2.1 Sec. 2. Minnesota Statutes 2016, section 97A.201, subdivision 2, is amended to read:

2.2 Subd. 2. ~~Duty of county attorneys and peace officers. County attorneys and~~ All peace
2.3 officers must enforce the game and fish laws.

2.4 Sec. 3. Minnesota Statutes 2016, section 97A.201, is amended by adding a subdivision to
2.5 read:

2.6 Subd. 3. Prosecuting authority. County attorneys are the primary prosecuting authority
2.7 for violations under section 97A.205, clause (5). Prosecution under paragraph (a) includes
2.8 associated civil forfeiture actions provided by law.

2.9 Sec. 4. Minnesota Statutes 2016, section 97A.225, subdivision 8, is amended to read:

2.10 Subd. 8. ~~Proceeds of sale. After determining the expense~~ The proceeds from the sale
2.11 after payment of the costs of seizing, towing, keeping, and selling the property, the
2.12 ~~commissioner must pay the~~ and satisfaction of valid liens from the proceeds according to
2.13 ~~the court order. The remaining proceeds~~ against the property, must be distributed as follows:

2.14 (1) 70 percent of the money or proceeds shall be deposited in the state treasury and
2.15 credited to the game and fish fund; and

2.16 (2) 30 percent of the money or proceeds is considered a cost of forfeiting the property
2.17 and must be forwarded to the prosecuting authority that handled the forfeiture for deposit
2.18 as a supplement to its operating fund or similar fund for prosecutorial purposes.

2.19 Sec. 5. Minnesota Statutes 2016, section 97A.301, subdivision 1, is amended to read:

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

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

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

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

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

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

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

3.1 Sec. 6. Minnesota Statutes 2016, section 97A.338, is amended to read:

3.2 **97A.338 GROSS OVERLIMITS OF WILD ANIMALS; PENALTY.**

3.3 (a) A person who takes, possesses, or transports wild animals over the legal limit, in
 3.4 closed season, or without a valid license, when the restitution value of the wild animals is
 3.5 over \$1,000 is guilty of a gross overlimit violation. Except as provided in paragraph (b), a
 3.6 violation under this section paragraph is a gross misdemeanor.

3.7 (b) If a wild animal involved in a gross overlimit violation is listed as a threatened or
 3.8 endangered wild animal, the penalty in paragraph (a) does not apply unless more than one
 3.9 animal is taken, possessed, or transported in violation of the game and fish laws.

3.10 Sec. 7. Minnesota Statutes 2016, section 97A.420, subdivision 1, is amended to read:

3.11 Subdivision 1. **Seizure.** (a) An enforcement officer shall immediately seize the license
 3.12 of a person who unlawfully takes, transports, or possesses wild animals when the restitution
 3.13 value of the wild animals exceeds \$500. Except as provided in subdivisions 2, 4, and 5, the
 3.14 person may not use or obtain any license to take the same type of wild animals involved,
 3.15 including a duplicate license, until an action is taken under subdivision 6. If the license
 3.16 seized under this paragraph was for a big game animal, the license seizure applies to all
 3.17 licenses to take big game issued to the individual. If the license seized under this paragraph
 3.18 was for small game animals, the license seizure applies to all licenses to take small game
 3.19 issued to the individual.

3.20 (b) In addition to the license seizure under paragraph (a), if the restitution value of the
 3.21 wild animals unlawfully taken, possessed, or transported is ~~\$5,000~~ \$1,000 or more, all other
 3.22 game and fish licenses held by the person shall be immediately seized. Except as provided
 3.23 in subdivision 2, 4, or 5, the person may not obtain any game or fish license or permit,
 3.24 including a duplicate license, until an action is taken under subdivision 6.

3.25 (c) A person may not take wild animals covered by a license seized under this subdivision
 3.26 until an action is taken under subdivision 6.

3.27 Sec. 8. Minnesota Statutes 2016, section 97A.421, subdivision 2a, is amended to read:

3.28 Subd. 2a. **Issuance after conviction; gross overlimits.** (a) A person may not obtain a
 3.29 license to take a wild animal and is prohibited from taking wild animals for ten years after
 3.30 the date of conviction of a violation when the restitution value of the wild animals is \$2,000
 3.31 or more.

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

4.3 (1) a violation when the restitution value of the wild animals is ~~\$5,000~~ \$1,000 or more,
4.4 but less than \$2,000; or

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

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

4.12 ~~(e)~~ (d) The time period of multiple revocations under paragraph (a) or (b), clause (2),
4.13 ~~shall be~~ are consecutive and no wild animals of any kind may be taken during the entire
4.14 revocation period.

4.15 (e) If a wild animal involved in the conviction is listed as a threatened or endangered
4.16 wild animal, the revocations under this subdivision do not apply unless more than one animal
4.17 is taken, possessed, or transported in violation of the game and fish laws.

4.18 ~~(d)~~ (f) The court may not stay or reduce the imposition of license revocation provisions
4.19 under this subdivision.