

Sixty-first  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO.**

Introduced by

Representative Porter

1 A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota  
2 Century Code, relating exploitation of wildlife; to amend and reenact section 20.1-01-26 of the  
3 North Dakota Century Code, relating to suspension of hunting, trapping, or fishing privileges;  
4 and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 20.1-01-26 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **20.1-01-26. Suspension of hunting, trapping, or fishing privileges - Surrender and**  
9 **return of license.** In addition to the penalty provided upon conviction under this title, the court  
10 may suspend the defendant's hunting, trapping, or fishing privileges for up to three years  
11 however, if the defendant is convicted under section 2 of this Act, the court may suspend the  
12 defendant's hunting, trapping, or fishing privileges up to life but not less than five years. The  
13 court may not suspend the defendant's privileges for a noncriminal violation if the defendant  
14 has not been convicted for a violation of this title in the last three years. Upon conviction for a  
15 violation of section 20.1-01-18, the court shall suspend the defendant's hunting, fishing, and  
16 trapping privileges for a period of at least one year, two years for the second conviction, and  
17 three years for the third or subsequent conviction. At the time of the suspension, the court shall  
18 determine whether the defendant must successfully complete the hunter education course  
19 provided for in section 20.1-03-01.1, as prescribed by the proper state or provincial natural  
20 resources or wildlife management agency, before the defendant may purchase a new or obtain  
21 the return of a valid hunting license.

22 Upon imposition of the suspension, the court shall take any hunting, trapping, or fishing  
23 license or permit held by the defendant and forward it, together with a certified copy of the  
24 suspension order, to the director. Except as otherwise provided in this section, upon expiration

of the suspension, the director shall return the person's license or permit if it is still valid. No person may purchase, or attempt to purchase, a hunting, trapping, or fishing license or permit during a suspension period. If the court so ordered, no person who has had a hunting license suspended may purchase or attempt to purchase a hunting license nor may the director return a valid hunting license until the person has successfully completed the course provided for in section 20.1-03-01.1 and as prescribed by the proper state or provincial natural resources or wildlife management agency. A certificate of completion for a similar course issued by any other state or province of Canada is sufficient to meet this requirement. The person shall file proof of that completion with the court.

For the purpose of this section, the term "conviction" includes an admission or adjudication of a noncriminal violation.

**SECTION 2.** A new section to chapter 20.1-01 of the North Dakota Century Code is created and enacted as follows:

**Exploitation of wildlife.** A person is guilty of exploitation of wildlife if they intentionally:

1. Commit five or more title 20.1 misdemeanor offenses within a three year period.
2. Furnishes assistance, management, or supervision to an individual or individuals who commit or assist in the commission of five or more title 20.1 misdemeanor offenses within a three year period.
3. Commits a title 20.1 offense after having been previously convicted of seven or more title 20.1 misdemeanor offenses within a ten year period.

Violation of this section is a class C felony and in addition to other penalties imposed by law, subject to the provisions of section 20.1-01-16. Under subsection 1 or 2, over a daily or possession limit fish, small game, or waterfowl is not sufficient as predicate offenses by itself unless the state proves that the conduct occurred over more than two days, or the person takes a possesses more than four times a daily limit. The state must allege and prove beyond a reasonable doubt the minimum number of predicate offenses required were intentionally committed. Except for a charge under subsection 3, the state shall not charge an individual for both the predicate offense and a charge under this section. A conviction from another state or a federal court for an offense similar to one prescribed in title 20.1 can be used as a conviction under this section.