

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1343

Introduced by

Representatives Hanson, Porter

Senator Fischer

1 A BILL for an Act to amend and reenact section 20.1-01-03 of the North Dakota Century Code,
2 relating to unlawfully taking big game animals; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 20.1-01-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **20.1-01-03. Ownership and control of wildlife is in the state - Damages - Schedule**
7 **of monetary values - Civil penalty.** The ownership of and title to all wildlife within this state is
8 in the state for the purpose of regulating the enjoyment, use, possession, disposition, and
9 conservation thereof, and for maintaining action for damages as herein provided. Any person
10 catching, killing, taking, trapping, or possessing any wildlife protected by law at any time or in
11 any manner is deemed to have consented that the title thereto remains in this state for the
12 purpose of regulating the taking, use, possession, and disposition thereof. The state, through
13 the office of attorney general, may institute and maintain any action for damages against any
14 person who unlawfully causes, or has caused within this state, the death, destruction, or injury
15 of wildlife, except as may be authorized by law. The state has a property interest in all
16 protected wildlife. This interest supports a civil action for damages for the unlawful destruction
17 of wildlife by willful or grossly negligent act or omission. The director shall adopt by rule a
18 schedule of monetary values of various species of wildlife, the values to represent the
19 replacement costs of the wildlife and the value lost to the state due to the destruction or injury
20 of the species, together with other material elements of value. In any action brought under this
21 section, the schedule constitutes the measure of recovery for the wildlife killed or destroyed.
22 Notwithstanding the director's schedule of monetary values, an individual who unlawfully takes
23 a bighorn sheep, elk, or moose is subject to a civil penalty for the replacement value of the
24 animal of five thousand dollars for a bighorn sheep, three thousand dollars for an elk, and two

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- 1 thousand dollars for a moose. For a male bighorn sheep, elk, or moose over two and one-half
- 2 years of age, the civil penalty for the replacement value of the animal is an additional fifty
- 3 percent of the penalty. The funds recovered must be deposited in the general fund, and
- 4 devoted to the propagation and protection of desirable species of wildlife.