

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

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

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

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

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

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

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