

Hunting and Fishing License Revocation

***Repeal and replace License
Revocation Rule (19.31.2 NMAC)***



Law Enforcement Division

BACKGROUND

Chapter 17 NMSA, gives the Commission authority to revoke or suspend the following:

- **Hunting, fishing and trapping licenses (up to three years)**
- **Certificates, permits or other agreements**



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Why replace this rule?

- The current rule is outdated and contains many obsolete references to other rules or laws.
- We seek to improve procedures for processing suspensions to reduce cost and minimize the burden on the Commission.
- To ensure due process.



Highlights of Changes:

GUIDE AND OUTFITTER REGISTRATION

- The new Revocation rule reflects changes made in the Guide and Outfitter Registration rule (19.30.8 NMAC) in 2011.
- Revocation points toward Guide and/or Outfitter Registration are automatically assessed for misconduct. Guides and Outfitters will be notified when points are assessed.
- If the Commission is considering the revocation of a person's Guide or Outfitter Registration, that person shall have the opportunity for a hearing.



LANDOWNER CONTRACTS and AGREEMENTS

- The Commission may revoke a landowner's privilege to participate in Department sponsored private land programs (A-PLUS, E-PLUS, Open Gate, etc.), if the landowner violates the conditions of a contract with the Department.
- This new Revocation rule reflects changes made in the rules governing these programs.
- A landowner shall have the opportunity for a hearing.



POINT CATEGORIES

- A person is subject to revocation of licenses, permits, or certificates when they accumulate 20 or more points within 3 consecutive years.
- Points were re-evaluated based on the severity of the violation and statutory requirements. Some values were increased, some were decreased.



Examples of Point Value Changes

VIOLATION	OLD POINT VALUE	NEW POINT VALUE
Hunting Big Game without a license	10	20
Fishing without a license	10	7
Interfering with lawful hunting	5	20
Willfully introducing an Aquatic Invasive Species	5	20
Shooting from a vehicle	5	15
Unlawful use of a motorized boat on Commission owned lakes	15	5
Unlawful use of dogs while hunting big game or turkey	5	15



WILDLIFE VIOLATOR COMPACT

- When a person has their license privileges revoked in a member state, they are subject to revocation in all member states, in accordance with each state's laws.
- The new rule does not change this process.



SUSPENSIONS

- **“Suspension”** means when a person’s hunting, fishing, trapping, guiding and outfitting privileges, or other privileges or authorities granted by an agreement, license or permit issued by the department, are taken away by the Commission, after notice and opportunity for a hearing, until the person comes back into compliance.



TYPES OF SUSPENSIONS

- Parental Responsibility Act (PRA)
- Failure to Pay Civil Assessment
- Failure to Pay Penalty Assessment



NEW SUSPENSION PROCESS

- A list of license holders, subject to suspension, will be presented to the Commission.
- Upon Commission approval, a Notice of Contemplated Action will be sent advising the recipient that their licenses, permits, or registrations will be suspended, effective 30 days from the date of the notice.
- The recipient may request a hearing, make the required payment or present the appropriate documentation to demonstrate that they are in compliance.
- Suspension hearing procedures are modeled after the procedures used by the Motor Vehicle Division.
- If the respondent does not request a hearing, or present proof of compliance, their licenses, permits, registrations, etc, will be suspended without further Commission Action.
- Suspended privileges may be reinstated by the Department at anytime, if a person presents proof of compliance with the PRA or pays their outstanding assessment.



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Public Input

- Draft rules were presented at the April and June Commission meetings.
- Several updated drafts were posted on the Department's website during the development process.
- Personnel from throughout the Department provided input.
- The Department worked closely with the Attorney General's Office to develop the final rule.
- Only one member of the public commented and asked for the ability to consider mitigating circumstances in cases involving criminal trespass and to increase the efficiency and timeliness in revocation process.



Commission Direction

The Department respectfully suggests the following motion unless Commission discretion indicates a different course of action:

- “Move to accept the Department’s recommendation to***
- repeal the Hunting and Fishing License Revocation rule [19.31.2], and;
- adopt the proposed replacement Hunting and Fishing License Revocation rule [19.31.2].”



Discussion



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