

# **Revocation Rule 19.31.2 NMAC Agenda Item #20**

**March 4, 2022**

**New Mexico State Game Commission Meeting  
Socorro, NM**



**New Mexico Department of Game and Fish**

# **Repeal and Replace:** **Revocation 19.31.2 NMAC**

- ☐ Establish clear time frames for revocations
- ☐ Allow department to recommend enhanced or reduced revocations based on individual cases and points accrued
- ☐ Change point categories to 40, 20, 10, 5 and 3
- ☐ Streamline administrative process





# Public Input

- ☐ 2 public meetings held (both included in-person and virtual options for the public)
  - ☐ Albuquerque NMDGF office December 3, 2021
  - ☐ Las Cruces NMDGF office December 13, 2021
- ☐ No public attended either meeting
- ☐ No public comments received via email or phone to date







**“Move to repeal and replace 19.31.2 NMAC,  
as presented by the Department and allow  
the Department to make minor corrections  
to comply with filing this rule with State  
Records and Archives.”**



# Enhancement

**Enhancement:** The Department may recommend any period of revocation longer than those set to a hearing officer if a hearing is requested or to the GC if no hearing is requested, when:

- Violator has accrued 40 or more violation pts
- Violator is subject to civil restitution for a trophy animal, or
- If violator accrues more points while revoked.
- Any recommendation shall be supported with written justification detailing the egregious circumstances
- Neither the hearing officer nor the commission shall be bound by the department's recommendation





# Mitigation

**Mitigation:** The Department may recommend any period of revocation shorter than those set to a hearing officer or the GC if no hearing is requested;

- When the Department believes mitigating circumstances exist
- Recommendation shall be in writing detailing the mitigating circumstances
- Neither the hearing officer nor GC is bound by the Departments recommendation



# Criminal Revocation Categories & Points

- Create a 40 pt. category to aid in defining egregious violations
- Simplify points by having 40, 20, 10, 5 and 3 point categories
- Point designations were set based on severity of criminal violations





# Egregious Violations

## **40 pt. Criminal Violations:**

- Spotlighting
- Felony waste of game
- Sale / purchase of game animals or parts
- Shooting from an aircraft
- Applying/receiving OG registration while revoked
- Hunting or fishing while on revocation/suspension
- Computer assisted remote hunting
- Take, purchase or sale of Threatened or Endangered Sp.
- Knowingly or willfully introducing an aquatic invasive sp.



# Criminal Revocation Categories and Points

- All 20 pt. violations would remain the same except those upgraded to 40 pt. egregious violations
- 17 pt. Hunting in wrong GMU, outside ranch boundaries with RO license or on public with a private land only license would increase back to 20 pts.
- The vast majority of 15 pt. violations would be reduced to 10 pts except exceeding the bag limit of BG and importation/possession of class II, III or IV species





# Administrative clean up

- Make suspension process more efficient
  - Send notice via letter of PA, PRA, IWVC, failure to appear and failure to pay civil suspensions
  - If there is a mistake, they have come into compliance or been reinstated in their home state the Department will unsuspend the individual
  - Give individuals additional time if timeline falls on a holiday or weekend
  - Make commission rule more consistent with other administrative rules in NM to include MVD

