

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1108

Session of
1991

INTRODUCED BY FEE, GRUPPO, HANNA, STABACK, PHILLIPS, BOWLEY,
ARMSTRONG, KASUNIC, LEVDANSKY, KRUSZEWSKI, McCALL, COLAIZZO,
HALUSKA, HERMAN, LESCOVITZ, HECKLER, BELARDI, VEON, TRELLO,
HESS, NAILOR, ARGALL, MICOZZIE, SEMMEL, STEIGHNER, SCHEETZ,
BATTISTO, PISTELLA, GEIST, GIGLIOTTI, JOHNSON, SURRA,
RICHARDSON AND B. SMITH, APRIL 10, 1991

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 9, 1992

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the
2 Interstate Wildlife Violator Compact; providing for the form
3 of the compact; and imposing additional powers and duties on
4 the Governor and the Compact Administrator.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Interstate
9 Wildlife Violator Compact Act.

10 Section 2. Authority to execute compact.

11 The Governor of Pennsylvania, on behalf of this State, is
12 hereby authorized to execute a compact in substantially the
13 following form with any one or more of the states of the United
14 States and the General Assembly hereby signifies in advance its
15 approval and ratification of such compact:

16 Article I

Findings and Declaration of Policy and Purpose

(a) The participating states find that:

(1) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.

(2) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, rules, regulations and ordinances relating to the management of such resources.

(3) The preservation, protection, management and restoration of wildlife resources contributes immeasurably to the aesthetic, recreational and economic values of a state.

(4) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management and restoration statutes, rules, regulations and ordinances of the participating states as a condition precedent to the continuance or issuance of any license to hunt, trap, fish or otherwise possess wildlife.

(5) The violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of people and property.

(6) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the participating states.

(7) In most instances, a person who is cited for a wildlife violation in a state other than his home state is required to post collateral or a bond to secure appearance for trial at a later date, is taken into custody until the collateral or bond is posted or is taken directly to court for an immediate appearance.

1 (8) The purpose of the aforementioned enforcement practices
2 is to ensure compliance with the terms of the wildlife citation
3 by the cited person who, if permitted to continue on his way
4 after receiving the citation, could return to his home state and
5 disregard his duty under the terms of the citation.

6 (9) In most instances, a person receiving a wildlife
7 citation in his home state is permitted to accept the citation
8 from the officer at the scene of the violation and immediately
9 continue on his way after agreeing or being instructed to comply
10 with the terms of the citation.

11 (10) The aforementioned enforcement practices cause
12 unnecessary inconvenience and, at times, a hardship for the
13 person who is unable at the time to post collateral, furnish a
14 bond, stand trial or pay a fine and thus is compelled to remain
15 in custody until some alternative arrangement is made.

16 (11) The aforementioned enforcement practices consume an
17 undue amount of law enforcement time.

18 (b) It is the policy of the participating states to:

19 (1) Promote compliance with the statutes, rules, regulations
20 and ordinances relating to the management of wildlife resources
21 in their respective states.

22 (2) Recognize the suspension of wildlife license privileges
23 of any person whose license privileges have been suspended by a
24 participating state and treat such suspension as if it occurred
25 in their state.

26 (3) Allow a violator, except as provided in subsection (b)
27 of Article III of this compact, to accept a wildlife citation
28 and, without delay, proceed on his way regardless of his state
29 of residence: Provided, That the violator's home state is party
30 to this compact.

1 (4) Report to the appropriate participating state, as
2 provided in the compact manual, any conviction recorded against
3 any person whose home state was not the issuing state.

4 (5) Allow the home state to recognize and treat convictions
5 recorded against its residents which occurred in a participating
6 state as though they had occurred in the home state.

7 (6) Extend cooperation to its fullest extent among the
8 participating states for enforcing compliance with the terms of
9 a wildlife citation issued in one participating state to a
10 resident of another participating state.

11 (7) Maximize the effective use of law enforcement personnel
12 and information.

13 (8) Assist court systems in the efficient disposition of
14 wildlife violations.

15 (c) The purpose of this compact is to:

16 (1) Provide a means through which participating states may
17 join in a reciprocal program to effectuate the policies
18 enumerated in subsection (b) of Article I of this compact in a
19 uniform and orderly manner.

20 (2) Provide for the fair and impartial treatment of wildlife
21 violators operating within participating states in recognition
22 of the violator's right to due process and the sovereign status
23 of a participating state.

24 Article II

25 Definitions

26 Unless the context in which used clearly requires a different
27 meaning, as used in this compact:

28 (a) "Citation" means any summons, complaint, summons and
29 complaint, ticket, penalty assessment or other official document
30 issued to a person by a wildlife officer or other peace officer

1 for a wildlife violation which contains an order requiring the
2 person to respond.

3 (b) "Collateral" means any cash or other security deposited
4 to secure an appearance for trial in connection with the
5 issuance by a wildlife officer or other peace officer of a
6 citation for a wildlife violation.

7 (c) "Compliance" with respect to a citation means the act of
8 answering a citation through an appearance in a court or
9 tribunal or through the payment of fines, costs and surcharges,
10 if any.

11 (d) "Conviction" means a conviction, including any court
12 conviction, for any offense related to the preservation,
13 protection, management or restoration of wildlife which is
14 prohibited by state statute, rule, regulation or ordinance. The
15 term "conviction" shall also include the forfeiture of any bail,
16 bond or other security deposited to secure appearance by a
17 person charged with having committed any such offense, the
18 payment of a penalty assessment, a plea of nolo contendere or
19 the imposition of a deferred or suspended sentence by the court.

20 (e) "Court" means a court of law, including magistrate's
21 court.

22 (f) "Home state" means the state of primary residence of a
23 person.

24 (g) "Issuing state" means the participating state which
25 issues a wildlife citation to the violator.

26 (h) "License" means any license, permit or other public
27 document which conveys to the person to whom it was issued, the
28 privilege of pursuing, possessing or taking any wildlife
29 regulated by statute, rule, regulation or ordinance of a
30 participating state.

1 (i) "Licensing authority" means the governmental agency
2 within each participating state that is authorized by law to
3 issue or approve licenses or permits to hunt, trap, fish or
4 otherwise possess wildlife.

5 (j) "Participating state" means any state which enacts
6 legislation to become a member of this wildlife compact.

7 (k) "Personal recognizance" means an agreement by a person
8 made at the time of issuance of the wildlife citation that such
9 person will comply with the terms of the citation.

10 (l) "State" means any state, territory or possession of the
11 United States, including the District of Columbia and the
12 Commonwealth of Puerto Rico.

13 (m) "Suspension" means any revocation, denial or withdrawal
14 of any or all license privileges, including the privilege to
15 apply for, purchase or exercise the benefits conferred by any
16 license.

17 (n) "Terms of the citation" means those conditions and
18 options expressly stated upon the citation.

19 (o) "Wildlife" means all species of animals, including, but
20 not limited to, mammals, birds, fish, reptiles, amphibians,
21 mollusks and crustaceans which are defined as "wildlife" and are
22 protected or otherwise regulated by statute, rule, regulation or
23 ordinance in a participating state. Species included in the
24 definition of "wildlife" vary from state to state and
25 determination of whether a species is "wildlife" for the
26 purposes of this compact shall be based on the law in the
27 issuing state.

28 (p) "Wildlife law" means any statute, rule, regulation or
29 ordinance developed and enacted for the management of wildlife
30 resources and the uses thereof.

1 (q) "Wildlife officer" means any individual authorized by a
2 participating state to issue a citation for a wildlife
3 violation.

4 (r) "Wildlife violation" means any cited violation of a
5 statute, rule, regulation or ordinance developed and enacted for
6 the management of wildlife resources and the uses thereof.

7 Article III

8 Procedures for Issuing State

9 (a) When issuing a citation for a wildlife violation, a
10 wildlife officer shall issue a citation to any person whose
11 primary residence is in a participating state in the same manner
12 as though the person were a resident of the issuing state and
13 shall not require such person to post collateral to secure
14 appearance, subject to the exceptions noted in subsection (b) of
15 Article III of this compact, if the officer receives the
16 recognizance of such person that he will comply with the terms
17 of the citation.

18 (b) Personal recognizance is acceptable if not prohibited by
19 law in the issuing state or by the compact manual and if the
20 violator provides adequate proof of identification to the
21 wildlife officer.

22 (c) Upon conviction or failure of a person to comply with
23 the terms of a wildlife citation, the appropriate official shall
24 report the conviction or failure to comply to the licensing
25 authority of the participating state in which the wildlife
26 citation was issued. The report shall be made in accordance with
27 procedures specified by the issuing state and shall contain
28 information as specified in the compact manual as minimum
29 requirements for effective processing by the home state.

30 (d) Upon receipt of the report of conviction or

1 noncompliance pursuant to subsection (c) of Article III of this
2 compact, the licensing authority of the issuing state shall
3 transmit to the licensing authority of the home state of the
4 violator the information in form and content as prescribed in
5 the compact manual.

6 Article IV

7 Procedures for Home State

8 (a) Upon receipt of a report from the licensing authority of
9 the issuing state reporting the failure of a violator to comply
10 with the terms of a citation, the licensing authority of the
11 home state shall notify the violator and shall initiate a
12 suspension action in accordance with the home state's suspension
13 procedures and shall suspend the violator's license privileges
14 until satisfactory evidence of compliance with the terms of the
15 wildlife citation has been furnished by the issuing state to the
16 home state licensing authority. Due process safeguards shall be
17 accorded.

18 (b) Upon receipt of a report of conviction from the
19 licensing authority of the issuing state, the licensing
20 authority of the home state shall enter such conviction in its
21 records and shall treat such conviction as though it occurred in
22 the home state for the purposes of the suspension of license
23 privileges.

24 (c) The licensing authority of the home state shall maintain
25 a record of actions taken and shall make reports to issuing
26 states as provided in the compact manual.

27 Article V

28 Reciprocal Recognition of Suspension

29 (a) All participating states shall recognize the suspension
30 of license privileges of any person by any participating state

1 as though the violation resulting in the suspension had occurred
2 in their state and could have been the basis for suspension of
3 license privileges in their state.

4 (b) Each participating state shall communicate suspension
5 information to other participating states in form and content as
6 contained in the compact manual.

7 Article VI

8 Applicability of Other Laws

9 Except as expressly required by the provisions of this
10 compact, nothing herein shall be construed to affect the right
11 of any participating state to apply any of its laws relating to
12 license privileges to any person or circumstance or to
13 invalidate or prevent any agreement or other cooperative
14 arrangement between a participating state and a nonparticipating
15 state concerning wildlife law enforcement.

16 Article VII

17 Board of Compact Administrators

18 (a) For the purpose of administering the provisions of this
19 compact and to serve as a governing body for the resolution of
20 all matters relating to the operation of this compact, a board
21 of compact administrators is established. The board shall be
22 composed of one representative from each of the participating
23 states, WITH THE EXCEPTION OF PENNSYLVANIA WHICH WILL HAVE TWO
24 REPRESENTATIVES, to be known as the compact administrator. The
25 compact administrator shall be appointed by the head of the
26 licensing authority of each participating state and shall serve
27 and be subject to removal in accordance with the laws of the
28 state he represents. A compact administrator may provide for the
29 discharge of his duties and the performance of his functions as
30 a board member by an alternate. An alternate shall not be

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1 entitled to serve unless written notification of his identity
2 has been given to the board.

3 (b) Each member of the board of compact administrators shall
4 be entitled to one vote. No action of the board shall be binding
5 unless taken at a meeting at which a majority of the total
6 number of the board's votes are cast in favor thereof. Action by
7 the board shall be only at a meeting at which a majority of the
8 participating states are represented.

9 (c) The board shall elect annually from its membership a
10 chairman and vice chairman.

11 (d) The board shall adopt bylaws not inconsistent with the
12 provisions of this compact or the laws of a participating state
13 for the conduct of its business and shall have the power to
14 amend and rescind its bylaws.

15 (e) The board may accept for any of its purposes and
16 functions under the compact any and all donations and grants of
17 moneys, equipment, supplies, materials and services, conditional
18 or otherwise, from any state and may receive, utilize and
19 dispose of same.

20 (f) The board may contract with or accept services of
21 personnel from any governmental or intergovernmental agency,
22 individual, firm or corporation or from any private nonprofit
23 organization or institution.

24 (g) The board shall formulate all necessary procedures and
25 develop uniform forms and documents for administering the
26 provisions of this compact. All procedures and forms adopted
27 pursuant to board action shall be contained in the compact
28 manual.

29 Article VIII

30 Entry into Compact and Withdrawal

1 (a) This compact shall become effective at such time as it
2 is adopted in a substantially similar form by two or more
3 states.

4 (b) (1) Entry into the compact shall be made by resolution
5 of ratification executed by the authorized officials of the
6 applying state and submitted to the chairman of the board.

7 (2) The resolution shall substantially be in the form and
8 content as provided in the compact manual and shall include the
9 following:

10 (A) A citation of the authority from which the state is
11 empowered to become a party to this compact;

12 (B) An agreement of compliance with the terms and provisions
13 of this compact; and

14 (C) An agreement that compact entry is with all states
15 participating in the compact and with all additional states
16 legally becoming a party to the compact.

17 (3) The effective date of entry shall be specified by the
18 applying state but shall not be less than 60 days after notice
19 has been given by the chairman of the board of compact
20 administrators or by the secretariat of the board of each
21 participating state that the resolution from the applying state
22 has been received.

23 (c) A participating state may withdraw from this compact by
24 official written notice to each member state but withdrawal
25 shall not become effective until 90 days after the notice of
26 withdrawal is given. The notice shall be directed to the compact
27 administrator of each member state. No withdrawal of any state
28 shall affect the validity of this compact as to the remaining
29 participating states.

30 Article IX

1 Amendments to the Compact

2 (a) This compact may be amended from time to time. Each
3 proposed amendment shall be presented in resolution form to the
4 chairman of the board of compact administrators and shall be
5 initiated by one or more participating states.

6 (b) Adoption of an amendment shall require endorsement by
7 all participating states and shall become effective 30 days
8 after the date of the last endorsement.

9 (c) Failure of a participating state to respond to the
10 compact chairman within 120 days after receipt of a proposed
11 amendment shall constitute endorsement thereof.

12 Article X

13 Construction and Severability

14 This compact shall be liberally construed so as to effectuate
15 the purposes stated herein. The provisions of this compact shall
16 be severable and if any phrase, clause, sentence or provision of
17 this compact is declared to be contrary to the constitution of
18 any participating state or of the United States, or the
19 applicability thereof to any government, agency, individual or
20 circumstance is held invalid, the validity of the remainder of
21 this compact shall not be affected thereby. If this compact
22 shall be held contrary to the constitution of any participating
23 state, the compact shall remain in full force and effect as to
24 the remaining states and in full force and effect as to the
25 participating state affected as to all severable matters.

26 Section 3. When and how compact becomes operative.

27 When the Governor shall have executed said compact on behalf
28 of this State and shall have caused a verified copy thereof to
29 be filed with the Secretary of the Commonwealth and when said
30 compact shall have been ratified by one or more other states,

1 then said compact shall become operative and effective between
2 this State and such other state or states. The Governor is
3 hereby authorized and directed to take such action as may be
4 necessary to complete the exchange of official documents between
5 this State and any other state ratifying said compact.

6 Section 4. Compensation and expenses of compact administrator.

7 The compact administrator representing this State, as
8 provided for in Article VII of the Interstate Wildlife Violator
9 Compact, shall not be entitled to any additional compensation
10 for his duties and responsibilities as said administrator but
11 shall be entitled to reimbursement for reasonable expenses
12 actually incurred in connection with his duties and
13 responsibilities as said administrator in the same manner as for
14 expenses incurred in connection with other duties and
15 responsibilities of his office or employment.

16 Section 5. Effective date.

17 This act shall take effect immediately.