

SENATE BILL NO. 102—COMMITTEE ON NATURAL RESOURCES

PREFILED JANUARY 26, 2011

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing the taking of wildlife.
(BDR 45-764)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to wildlife; revising the civil penalties for unlawfully killing or possessing certain big game mammals and other wildlife and for hunting, fishing or trapping without a valid license, tag or permit; requiring the Board of Wildlife Commissioners to adopt regulations for the taking of antlers naturally shed by big game mammals; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law imposes certain civil penalties against a person for unlawfully
2 killing or possessing big game mammals, bobcats, swans, eagles or other fish or
3 wildlife and for hunting, fishing or trapping without a license. (NRS 501.3855)
4 **Section 1** of this bill imposes a similar civil penalty against a person for unlawfully
5 killing or possessing a trophy big game mammal in an amount that is not less than
6 \$5,000 or more than \$30,000. **Section 1** also imposes a civil penalty against a
7 person for unlawfully killing or possessing a moose and revises the maximum civil
8 penalty for which a person is liable for hunting, fishing or trapping without a
9 license, tag or permit. The revised maximum amount of that civil penalty is
10 changed from \$250 to the amount of the fee for the required license, tag or permit
11 for the activity in which the person engaged.

12 Existing law requires the Board of Wildlife Commissioners to establish broad
13 policies for the management of wildlife in this State and to adopt regulations to
14 carry out the provisions of title 45 of NRS governing wildlife in this State. (NRS
15 501.181) Existing law also prohibits a person from selling, bartering, trading or
16 purchasing the parts of any species of wildlife except as otherwise provided in that
17 title or in a regulation adopted by the Commission. (NRS 501.379) **Section 2** of this
18 bill requires the Commission to adopt regulations for the taking of antlers which
19 have been naturally shed by any big game mammal in this State.



* S B 1 0 2 R 1 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 501.3855 is hereby amended to read as
2 follows:

3 501.3855 1. In addition to the penalties provided for the
4 violation of any of the provisions of this title, every person who
5 ~~unlawfully~~ :

6 (a) *Unlawfully* kills or possesses a *trophy* big game mammal ~~;~~
7 *is liable for a civil penalty of not less than \$5,000 nor more than*
8 *\$30,000; or*

9 (b) *Except as otherwise provided in paragraph (a), unlawfully*
10 *kills or possesses a big game mammal, moose, bobcat, swan or*
11 *eagle is liable for a civil penalty of not less than \$250 ~~nor more~~*
12 *but less than \$5,000.*

13 2. For the unlawful killing or possession of fish or wildlife not
14 included in subsection 1, ~~the court may order the defendant to pay~~
15 *a person is liable for* a civil penalty of not less than \$25 nor more
16 than \$1,000.

17 3. For hunting, fishing or trapping without a valid license, tag
18 or permit, ~~the court may order the defendant to pay~~ *a person is*
19 *liable for* a civil penalty of not less than \$50 nor more than ~~[\$250.]~~
20 *the amount of the fee for the license, tag or permit required for the*
21 *activity in which the person engaged.*

22 4. Every court, before whom a defendant is convicted of
23 unlawfully killing or possessing any wildlife, shall order the
24 defendant to pay the civil penalty in the amount stated in this section
25 for each mammal, bird or fish unlawfully killed or possessed. The
26 court shall fix the manner and time of payment.

27 5. The Department may attempt to collect all penalties and
28 installments that are in default in any manner provided by law for
29 the enforcement of a judgment.

30 6. If a person who is ordered to pay a civil penalty pursuant to
31 this section fails to do so within 90 days after the date set forth in
32 the order, the Department may suspend, revoke, or refuse to issue
33 or renew any license, tag, permit, certificate or other document or
34 privilege otherwise available to the person pursuant to this title or
35 chapter 488 of NRS.

36 7. Each court that receives money pursuant to the provisions of
37 this section shall forthwith remit the money to the Department
38 which shall deposit the money with the State Treasurer for credit to
39 the Wildlife Account in the State General Fund.

40 8. *As used in this section, "trophy big game mammal" means*
41 *a mule deer with an outside antler measurement of at least 24*



1 *inches, a bighorn sheep of any species with at least one horn*
2 *exceeding a half curl, a Rocky Mountain elk with at least six*
3 *antler points on one antler, a pronghorn antelope with at least one*
4 *horn which is more than 14 inches in length, a mountain goat or a*
5 *black bear. As used in this subsection:*

6 (a) *“Antler” means any bony growth originating from the*
7 *pedicle portion of the skull of a big game mammal that is annually*
8 *cast and regenerated as part of the annual life cycle of the big*
9 *game mammal.*

10 (b) *“Antler point” means a projection which is at least 1 inch*
11 *in length with the length exceeding the width of its base, excluding*
12 *the first point on the main beam commonly known as the eye*
13 *guard on mule deer.*

14 (c) *“Horn exceeding a half curl” means a horn tip that has*
15 *grown at least through 180 degrees of a circle determined by*
16 *establishing a parallel reference line from the base of the horn*
17 *and measuring the horn tip to determine whether the horn tip has*
18 *grown at least to the projection of the reference line.*

19 (d) *“Outside antler measurement” means the perpendicular*
20 *measurement at right angles to the center line of the skull of a*
21 *deer at the widest point between the main antler beams or the*
22 *antler points off the main antler beams.*

23 **Sec. 2.** Chapter 503 of NRS is hereby amended by adding
24 thereto a new section to read as follows:

25 **1.** *The Commission shall adopt regulations for the taking of*
26 *shed antlers.*

27 **2.** *As used in this section, “shed antlers” means antlers which*
28 *have been naturally shed by any big game mammal in this State.*

29 **Sec. 3.** This act becomes effective:

30 1. Upon passage and approval for the purpose of adopting the
31 regulations required by section 2 of this act; and

32 2. On October 1, 2011, for all other purposes.

