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SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES LAW ENFORCEMENT DIVISION

An Analysis of Hunting, Fishing, and Boating Privilege Suspensions Enacted by the South Carolina Department of Natural Resources

In Fulfillment of the Requirements for Certified Public Manager

Lieutenant Michael G. Sabaka

3/16/2009

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Purpose:

The purpose of this research project is to analyze violations of the natural resources and boating laws to identify the characteristics of individuals whose privileges to hunt, trap, fish, and operate a watercraft were suspended.

Introduction:

The South Carolina Department of Natural Resources Law Enforcement Division, hereafter referred to as the Division, has the primary mission of protecting the natural resources of the state and those who utilize them through the enforcement of game, fish, boating, and litter laws. The Division also conducts educational and public outreach programs in the areas of hunter and boater safety, and promotes hunting, fishing, boating, and the ethical use of the state's natural resources. One of the primary means of carrying out the enforcement mission of the Division is the detection, apprehension, and prosecution of offenders utilizing summons tickets, and arrest warrants; and the issuance of warning tickets, and verbal warnings to clear identified violations of the law. The Division is also responsible for the education of boaters and sportsman and the promotion of the safe, ethical, and responsible use of the natural resources of the state. This effort is conducted through hunter and boater education courses, courtesy boat inspections, and public presentations. These efforts are intended to prevent violations before they occur and foster compliance with the laws.

The Records and Intelligence Section of the Division, hereafter referred to as the Records Section, is responsible for maintaining the violation records of the Division. This section is also responsible for the suspension of individual hunting, trapping, fishing, and boating privileges by persons who are chronic or serious violators. Privilege suspensions are

established by statute and fall within two broad categories: (1) point system suspensions; and (2) statutory suspensions. There are three separate point assessments established by South Carolina Code of Laws Sections 50-9-1110 Et. Al.; and 50-5-2500 Et. Al. These sections establish the:

- (1) Game and Fish Points System for violations of recreational and commercial hunting, trapping, and freshwater fishing laws;
- (2) Saltwater Recreational Fishing Points System for violations of recreational saltwater fishing laws; and
- (3) Saltwater Commercial Fishing Points System for violations of commercial saltwater fishing laws.

Individuals accumulate points within the respective points systems when they are convicted of violating specific hunting, trapping, and fishing laws. Upon accumulation of 18 or more points within a system, the respective privileges are suspended for one year.

Following is a list of associated privileges for each system:

- (1) Game and Fish Points: All hunting, trapping, and fishing privileges in both freshwater and saltwater extending to the three mile limit in the Atlantic Ocean;
- (2) Saltwater Recreational Points: All recreational fishing privileges in saltwater seaward of the saltwater freshwater dividing line extending to the three mile limit in the Atlantic Ocean;
- (3) Saltwater Commercial Points: All commercial fishing privileges in saltwater seaward of the saltwater freshwater dividing line extending to the three mile limit in the Atlantic Ocean.

The Game and Fish Point System was established by the 1977 General Assembly Act No. 401, and became on July 1, 1979. The Saltwater Recreational Points and Saltwater Commercial Points Systems became law on July 1, 2000 by the 1999 General Assembly Act No. 245.

Statutory suspensions are written into the penalties of individual state statutes and are mandated when an individual is convicted of violating those particular statutes. Examples of these include boating privilege suspensions for operation of a watercraft under the influence of alcohol or drugs, failure to give a breath sample after arrest for operation of a watercraft under the influence of alcohol or drugs, and reckless operation of a watercraft. Others include loss of hunting, trapping, and / or fishing privileges for hunting from a public road, selling protected wildlife, and obtaining hunting, trapping, or fishing licenses by fraud.

The intent of these laws is to act as a deterrent to serious violations of the law and in cases where a deterrent effect is not achieved, to further sanction an offender by suspending privileges. An analysis of "who" is being suspended and for "what" reasons has never been conducted.

Over the course of several years the Deputy Director for Law Enforcement Colonel Alvin A. Taylor became interested in suspensions for several reasons. These reasons included:

- (1) A philosophy of consistent and fair enforcement of the law;
- (2) The need to address inconsistencies in the law among the different point systems, and among the various types of statutory suspensions; and
- (3) The need for information to support legislative efforts to address these inconsistencies.

During 2004 and 2005 the Records Section was placed under the direction of the author of this research. The first task assigned to the Section was to examine Division reporting

procedures, and streamline reporting requirements of the field officers, and region supervisors. One of the outcomes of this inward examination of Division operations was a realization of the need to make improvements within the Records Section itself. Development and implementation of improved methods of collecting, entering, processing, and reporting data were the end result for the Section.

During this same time period, additional officers were being hired by the Division. There was a subsequent increase in the number of violations detected and resolved by officers and a corresponding increase in the number of suspensions being implemented by the Section.

Data Collection:

The data used for this research came from:

- (1) Computer suspension records processed between January 2005 and December 2008; and
- (2) Corresponding summons ticket records of the individuals identified in that group of suspension records.

The author was directly responsible for administering suspension and summons processing during this time period. The summons ticket records date back to 1980. Both sets of data are housed on the Department mainframe computer in a violations database maintained by the Records Section. The data was imported from the mainframe and placed into Excel spreadsheets for manipulation and analysis.

The initial set of suspension data consisted of 1,148 individual suspensions. Because there were multiple types of suspensions in the first set of data, a subgroup of data was pulled which consisted of individuals who had multiple suspensions. Contained within the first set of data had a total of 155 individuals who had more than one suspension during the four year

time frame. This subgroup of data was subjected to the same analysis to determine if there were any differences.

There is an issue that must be clarified at the outset when looking at the results of these two sets of data. The first set of data was examined with a focus on the "suspensions". This data set represents 1,148 separate and distinct suspensions. The second subset of data was examined with a focus on the "individual offender with multiple suspensions". This data set represents 155 unique individuals. The same demographics are examined in the analysis but the focus is different.

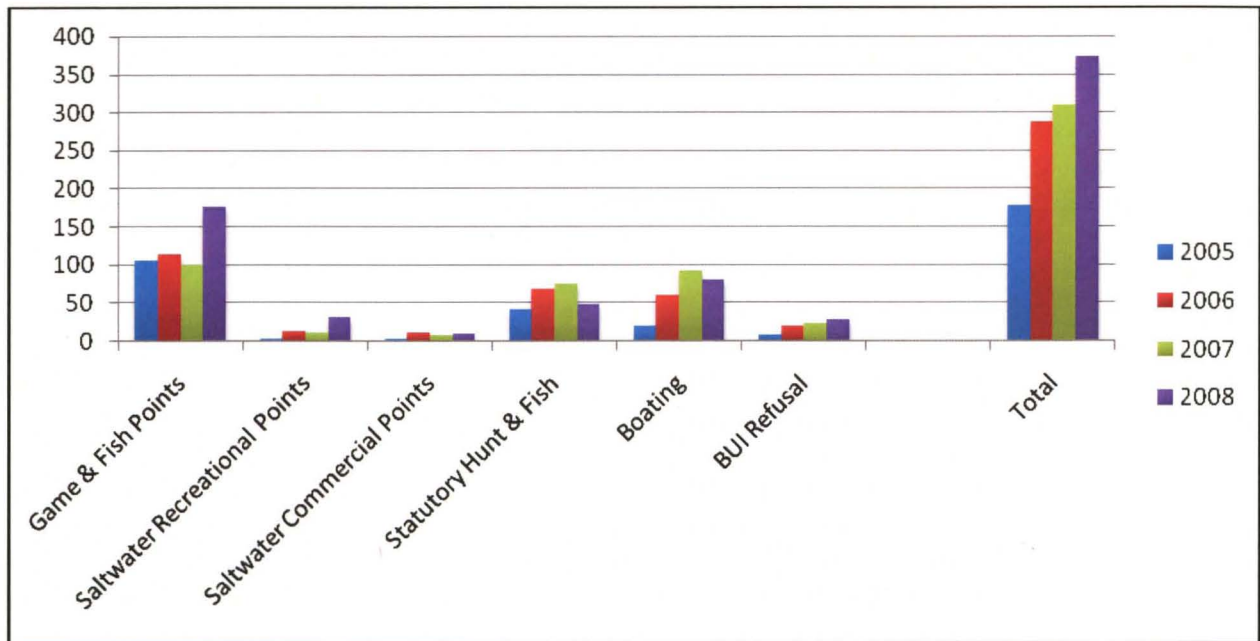
Findings:

The total number of suspensions for the 4 year period was 1,148 (See Figure 1). Game and fish point suspensions accounted for 43% of all suspensions followed by boating and BUI refusal suspensions combined (29%), and statutory hunt and fish suspensions (20%) respectively. For comparison purposes boating suspensions and BUI refusal suspensions are combined. Of the 330 combined boating / BUI suspensions, only 49 were for boating violations that did not stem from a boating under the influence arrest. The rate of increase in suspensions for the four year period 2005-2008 was 110%.

For the time period FY 06 through FY 08 the number of summonses issued by DNR officers increased from 8,139 to 13,752 representing an increase of 69% (See Figure 2). During this same time period the systems within the Records Section were improved relative to data entry and processing of incoming summonses with respect to data validity.

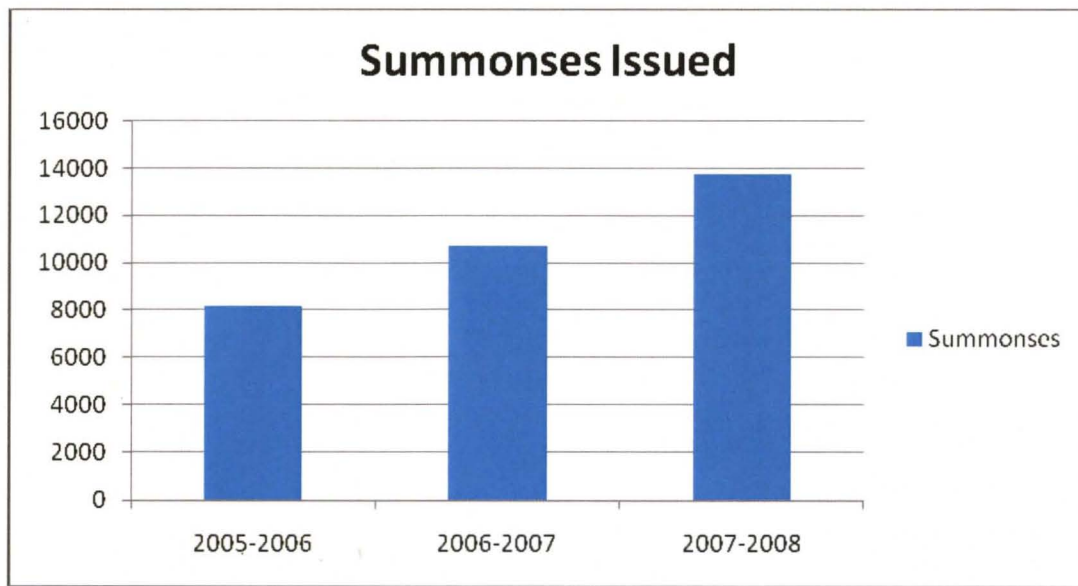
During the first 11 months of calendar year 2008 DNR officers issued 12,217 summonses. During this same time the Division suspended 373 individuals.

Figure 1. Total Number of Suspensions by Category



Year	Game & Fish Points	Saltwater Rec. Points	Saltwater Comm. Points	Statutory Hunt & Fish	Boating	BUI Refusal	Total
2005	106	2	2	41	20	7	178
2006	114	13	12	69	60	20	288
2007	101	11	7	75	92	23	309
2008	176	32	9	48	80	28	373
Total	497	58	30	233	252	78	1148

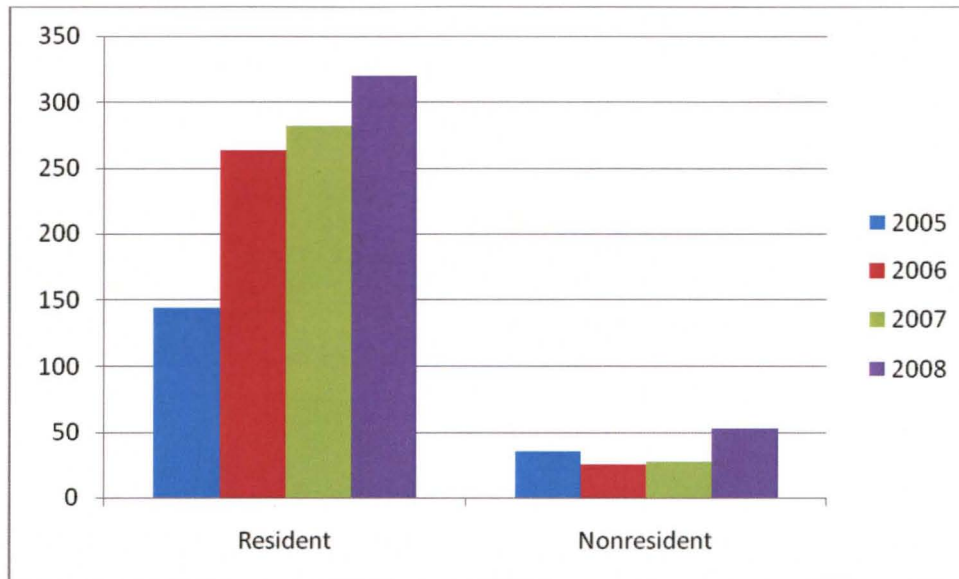
Figure 2. Total Number of Violations



Fiscal Year	Summons	Percentage Difference
2005-2006	8139	
2006-2007	10746	32%
2007-2008	13752	28%

An examination of residency status showed that 1,008 of the individuals (88%) were residents of South Carolina, while 140 of the individuals (12%) were nonresidents. These percentages were consistent for individual years across the sample time with a low of 80% in 2005 and a high of 91% in 2007 (See Figure 3).

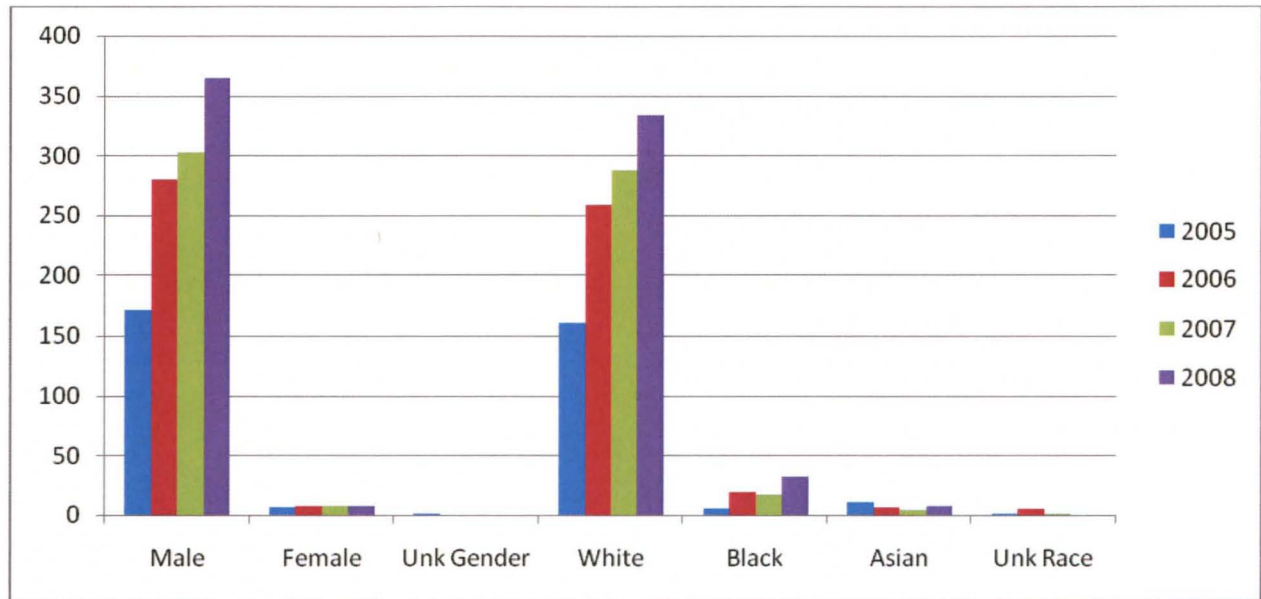
Figure 3. Residency Status of Suspended Individuals



Year	Resident	Nonresident
2005	143	35
2006	263	25
2007	282	27
2008	320	53
Total	1008	140

The demographics of race and gender of the suspended individuals in this sample were significant, and striking to this author. Ninety-seven percent (97%) of the sample was male, and 90% were white (See Figure 4). These percentages were consistent across all four years of the sample.

Figure 4. Gender and Race Status of Suspended Individuals

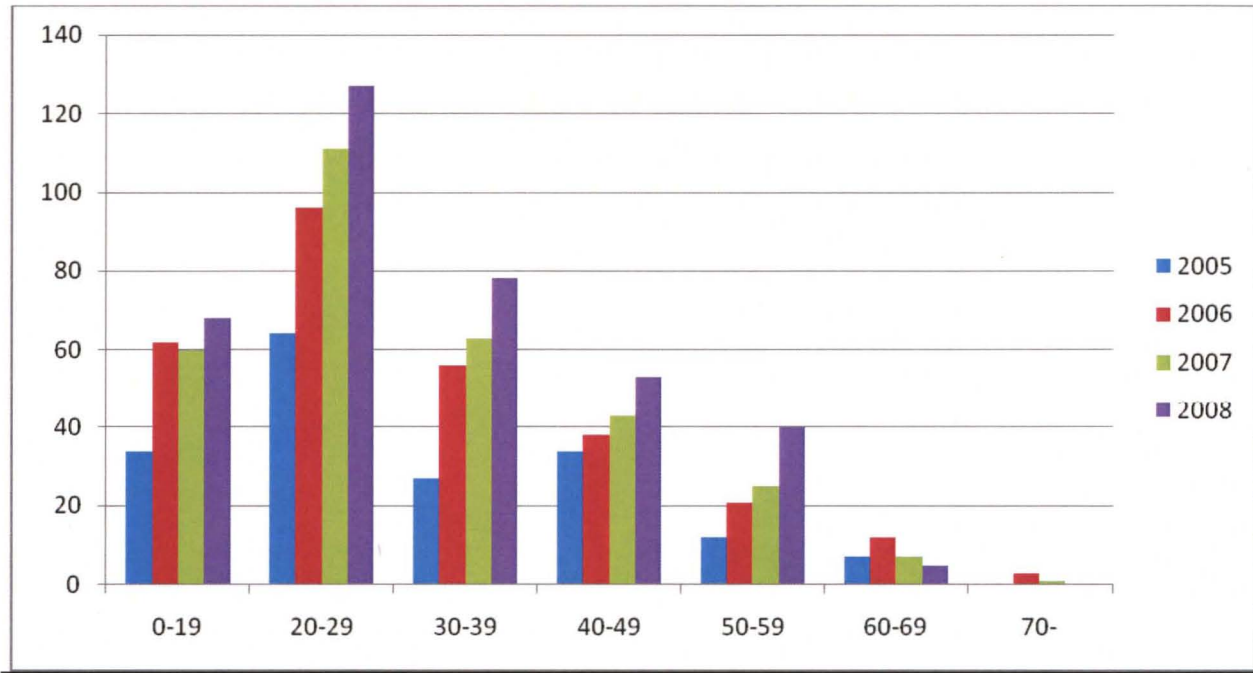


Year	Male	Female	Unknown Gender	White	Black	Asian	Unknown Race
2005	171	6	1	161	5	11	1
2006	280	8		258	19	6	5
2007	302	7		287	17	4	1
2008	365	8		334	32	7	
Total	1118	29	1	1040	73	28	7

The sample population was examined to determine the age at which individuals received their first summons and the age at which they received their first suspension. The predominant age group for first summons, and first suspension was the same, 20-29 years of age. The graph shows that first offenses occurred before age 20, peaked in the age range 20-29, and then continued a steady decline each decade thereafter. Interestingly, the graphs for age at first summons and age at first suspension mirror one another (See Figures 5 and 6).

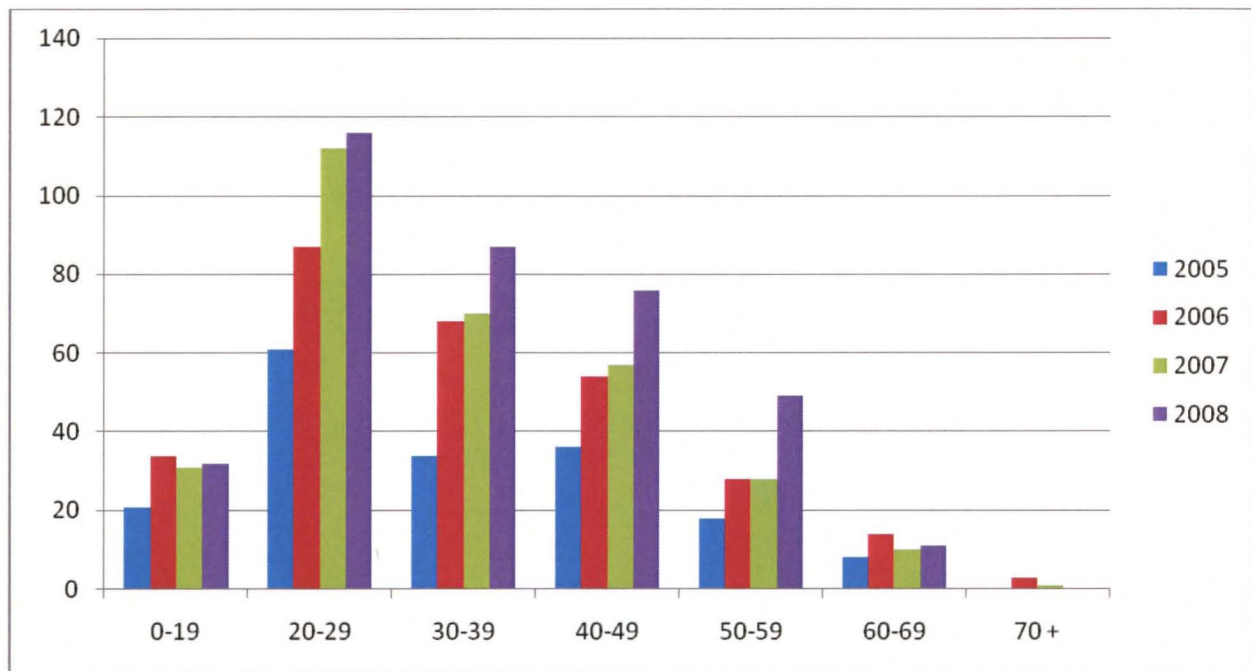
Thirty-five percent (35%) of the sample received their first summons between the ages of 20-29 and 33% received their first suspension between these ages. Seventy-four percent (74%) of the sample received their first summons by the age of 39. Sixty-five percent (65%) of the sample received their first suspension by age 39.

Figure 5. Age at First Summons of Suspended Individuals



Year	0-19	20-29	30-39	40-49	50-59	60-69	70-	Unknown	Total
2005	34	64	27	34	12	7	0		178
2006	62	96	56	38	21	12	3		288
2007	60	111	63	43	25	7	1		309
2008	68	127	78	53	40	5	0	2	373
Total	224	398	224	168	98	31	4	2	1148

Figure 6. Age at First Suspension of Suspended Individuals

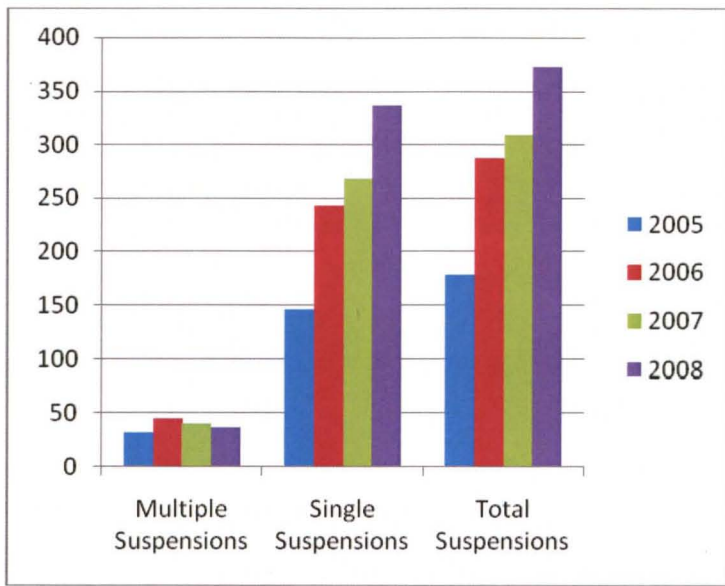


Year	0-19	20-29	30-39	40-49	50-59	60-69	70 +	Unknown	Total
2005	21	61	34	36	18	8	0		178
2006	34	87	68	54	28	14	3		288
2007	31	112	70	57	28	10	1		309
2008	32	116	87	76	49	11	0	2	373
Total	118	376	259	223	123	43	4	2	1148

There were 155 individuals who had multiple suspensions in the sample (See Figure 7).

These offenders received multiple suspensions over time. 13.5% of the individuals in the sample had multiple suspensions.

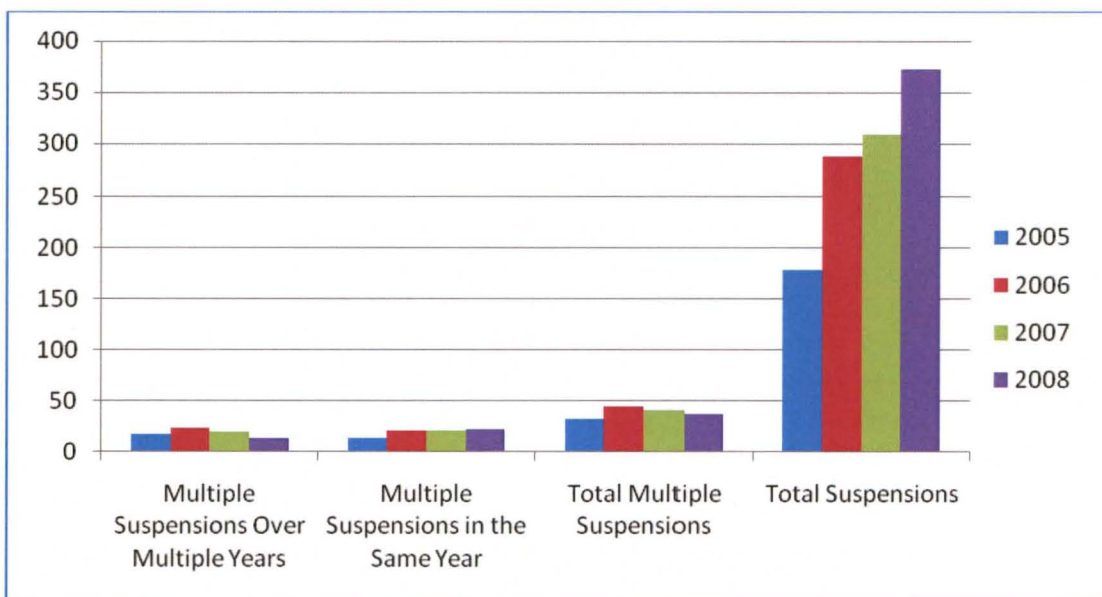
Figure 7. Number of Individuals with Multiple Suspensions and Single Suspensions



Year	Multiple Suspensions	Single Suspensions	Total Suspensions
2005	32	146	178
2006	45	243	288
2007	41	268	309
2008	37	336	373
Total	155	993	1148

The data showed that approximately half of the individuals with multiple suspensions had received the suspensions in the same year, and the other half had multiple suspensions that occurred over the course of the 4 year period (See Figure 8). In the second case, multiple suspensions can include a suspension that occurred in 2004 and another that occurred in 2008. Of the 155 individuals in the sample, 49% had received multiple suspensions within the same year, and 51% received suspensions over the course of the entire 4 year period (See Figure 8). The percentages of one year multiple suspensions, and multiple year multiple suspensions remained constant for each of the 4 years, as well as the 4 year period as a whole.

Figure 8. Multiple Suspensions Compared to Total Suspensions



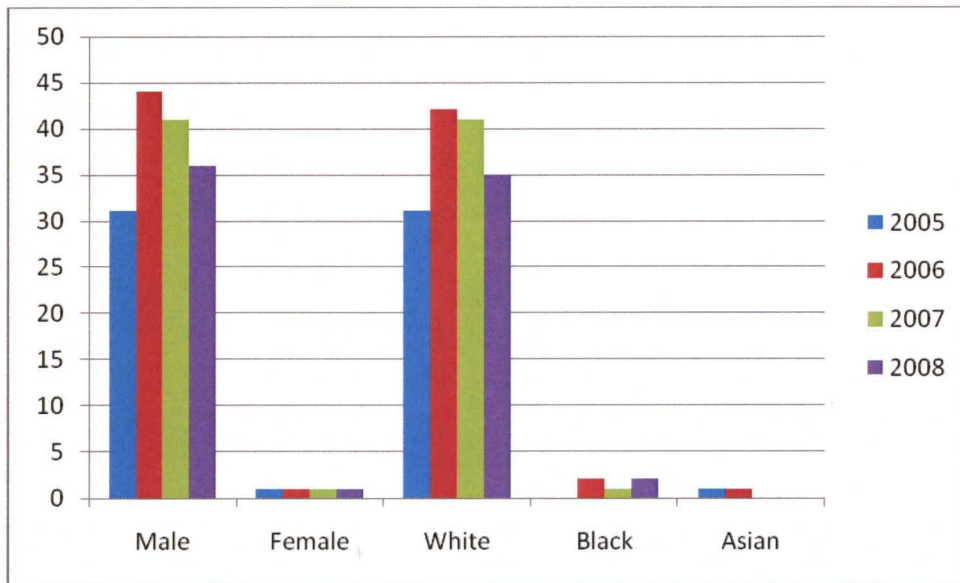
Year	Multiple Suspensions Over Multiple Years	Multiple Suspensions in the Same Year	Total Multiple Suspensions	Total Suspensions
2005	18	14	32	178
2006	24	21	45	288
2007	20	21	41	309
2008	14	23	37	373
Total	76	79	155	1148

There are several scenarios that lead to multiple suspensions within the same year. A first time suspension under any of the three point systems results in a one year suspension of privileges. The more serious offenders will violate the suspension, be convicted of an “under suspension” violation and receive a second more severe suspension of between three years and five years. A second scenario occurs when an individual receives a suspension under one point system, and then participates in activities resulting in violations and an accumulation of 18 points under another system resulting in multiple suspensions. A third way to receive multiple suspensions occurs when a violator refuses an alcohol breath test, is suspended for that, and then is convicted of operating a water device under the influence of drugs or alcohol resulting in multiple suspensions. These three scenarios have the multiple suspensions occurring within the same year.

Multiple suspensions occur over multiple years at different times when an individual violates the laws accumulating 18 points within one or more of the point systems, and or is convicted of violations the penalty for which contains a statutory suspension.

The gender and race numbers were as pronounced, if not more so, for the individuals receiving multiple suspensions with 97% of the sample being male, and 95% white (See Figure 9).

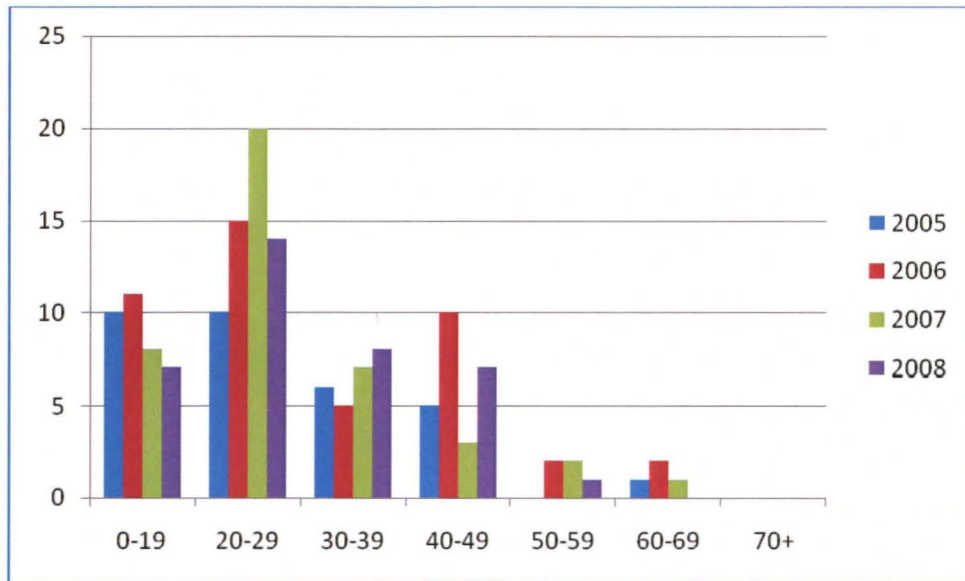
Figure 9. Gender and Race Status of Individuals with Multiple Suspensions



Year	Male	Female	White	Black	Asian
2005	31	1	31		1
2006	44	1	42	2	1
2007	40	1	40	1	
2008	36	1	35	2	
Total	151	4	148	5	2

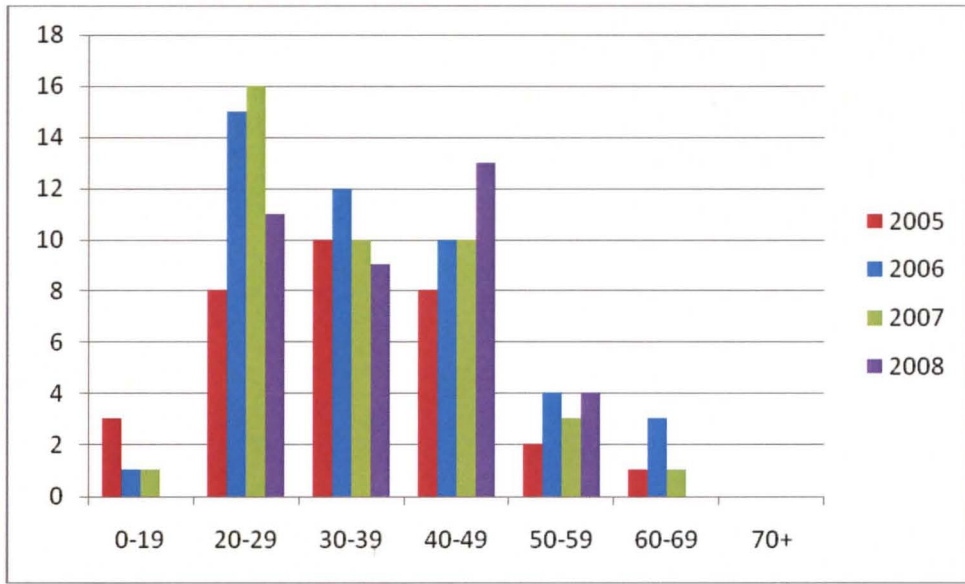
When examining the age at which this sub group received their first summons, and when they received their first suspension, there are no significant differences from the larger sample (See Figures 10 and 11).

Figure 10. Age at First Summons for Individuals with Multiple Suspensions



Year	0-19	20-29	30-39	40-49	50-59	60-69	70+	Total
2005	10	10	6	5	0	1	0	32
2006	11	15	5	10	2	2	0	45
2007	8	20	7	3	2	1	0	41
2008	7	14	8	7	1	0	0	37
Total	36	59	26	25	5	4	0	155

Figure 11. Age at First Suspension for Individuals with Multiple Suspensions



Year	0-19	20-29	30-39	40-49	50-59	60-69	70+	Total
2005	3	8	10	8	2	1	0	32
2006	1	15	12	10	4	3	0	45
2007	1	16	10	10	3	1	0	41
2008	0	11	9	13	4	0	0	37
Total	5	50	41	41	13	5	0	155

Summary of Findings:

The primary purpose of this research was to analyze violations of the natural resources and boating laws to identify the characteristics of individuals whose privileges to hunt, trap, fish, and operate a watercraft were suspended.

The findings were examined in light of the total sample of 1,148 individuals, and a sub-sample of 155 individuals who had received multiple suspensions. The research looked at the following demographic characteristics: residency; gender; race; and age. There were only minor differences between the two samples. The differences were not significant. Because the differences were minor, the findings are summarized for the total sample of 1,148 individuals.

Most of the suspensions were for an accumulation of game and fish points resulting from hunting and freshwater fishing violations. This category accounted for 43% of the suspensions followed by boating suspensions which accounted for 29%. Combined, these two categories accounted for 72% of the suspensions.

State residents accounted for 88% of the sample. The fact that residents accounted for a majority of suspensions is not surprising. The nature of suspensions is that they are generally based on points that are accumulated over time. As such a natural resources law enforcement officer is more likely to encounter a resident over the extended period of hunting, fishing, and boating seasons that occur yearly. The more contacts he has with an individual the more likely he is to identify violations of the law.

Males accounted for 97% of the sample. This is consistent with the related activities of hunting, fishing, and boating, and the nature of the research into violations of the law. These

findings indicate that males are more likely to participate in the activities examined, and are more likely to be violators of the game, fish, and boating laws than are females.

The finding that 90% of the sample was white lends itself to more speculation. An examination of boat owners, and licensed hunters and fisherman by race would be beneficial. These figures were not examined for this study.

Within the sample, 74% of the individuals received their first summons by the age of 39, and 65% received their first suspension by the age of 39. Age at first summons, as well as, age at first suspension peaked in the age bracket of 20-29.

The findings show that 88% of the individuals in the sample were state residents; 97% were male, 90% were white, and 32% received their first suspension between the ages of 20 and 29. The findings show that young white male residents are the predominant demographic accounting for most of the individuals in the sample. The data also show that these individuals are most likely to be suspended as a result of violations of hunting, freshwater fishing, and boating laws.

Application:

Division Colonel Alvin A. Taylor began legislative efforts to address concerns related to the enforcement and administration of privilege suspensions. As stated earlier in this research his concerns revolved around the following issues:

- (1) A philosophy of consistent and fair enforcement of the law;
- (2) The need to address inconsistencies in the law among the different point systems, and among the various types of statutory suspensions; and
- (3) The need for information to support legislative efforts to address these inconsistencies.

Based on these premises and with the findings of this research the author was tasked with drafting a proposal for two point systems: one for recreational activities; and one for commercial activities. The initial intent of the legislative proposal was to provide a mechanism that would allow individuals to enter into a probationary privileges program that would grant them a second chance and allow them to maintain privileges under certain circumstances.

The initial draft proposal was written within the Law Enforcement Division and distributed among the other divisions within the agency that had a vested interest. This included the Wildlife and Freshwater Fisheries Division; Marine Resources Division; and Legal Department. After vetting by all four groups an internal document was drafted that was more restrictive in scope than the original concept.

The final proposal contains a recreational points system, and a commercial points system with modifications to point assessments to create more uniformity. Individuals whose hunting and freshwater fishing privileges have been suspended as a result of accumulating 18 points are eligible for a probationary privileges program. Individuals who accumulate 18 points for commercial saltwater violations will not have that opportunity under the proposed draft. Individuals who were suspended under statutory provisions of law will not be eligible for probationary status. According to the research approximately one-half of the individuals suspended annually by the department will be eligible under the proposal for probationary privileges. A draft proposal for a strike and underline bill to be introduced to the legislature is contained as Appendix 1. A second version with no strike and underline is included as Appendix 2.

The proposal has been vetted through the various divisions within the agency and has been approved by the Law Enforcement Division Colonel. It will be forwarded to the Agency Directory, and if approved it will be brought before the DNR Board for legislative approval and drafted for introduction in this session of the General Assembly.

Appendix 1.

Strike and Underline Legislative Bill Proposal

INTRODUCTION

The following proposal would amend the law to include two points' laws.

The first is an amended version of the commercial saltwater fisheries points' law. As amended it would only apply to commercial saltwater fishing violations and would not include any provisions for probationary suspensions. Recreational saltwater fishing violations would be assessed points under the game and fish points' law.

The other is an amendment of the game and fish points' law. As amended it would apply to privileges for recreational hunting; trapping; freshwater fishing; saltwater recreational fishing; and freshwater commercial fishing.

The game and fish points' law as amended would provide for probationary privileges that would be granted for recreational activities under certain conditions, with a provision for revocation of those privileges. Probationary privileges would allow an individual to regain hunting and fishing privileges with strict guidelines for the duration of the original suspension.

Provisions for the repeal of other statutory suspensions and definitions are included to clarify and make the system less complicated.

AMEND TITLE 50; CHAPTER 5; ARTICL 25.

POINT SYSTEM FOR VIOLATIONS OF COMMERCIAL MARINE RESOURCES LAWS

ADD SECTION 50-5-2500. Conviction defined.

"Conviction" as used in this article includes the entry of a plea of guilty, the entry of a plea of nolo contendere, and the forfeiture of bail or collateral deposited to secure a defendant's appearance in court.

"Commercial saltwater privileges" as used in this article includes commercial saltwater fishing, and all other activities related to the commercialization of saltwater fish, shellfish, or crustaceans; as well as all associated commercial saltwater licenses, permits, stamps, tags, and endorsements issued to a person.

The provisions of this article apply to all commercial saltwater privileges within the jurisdiction of the state regardless of whether the activity requires a license, permit, stamp, tag, or endorsement; except that they do not apply to fishing in strictly private ponds.

AMEND SECTION 50-5-~~2500~~ 2501. Point values for suspension of commercial saltwater privileges; ~~relation to other penalties.~~

(A) There are established the following point values to be assigned by the department in suspending the commercial saltwater privileges of persons or entities found to be in violation of commercial saltwater fishing laws, this chapter. Point assignments shall be:

- (1) failing to keep records or make reports required by law, permit, or regulation: 4;
- (2) ~~violating law pertaining to~~ violations related to crab size limit or sponge crabs: 4;
- (3) ~~violations of a section of Title 50 pertaining to saltwater privileges not mentioned specifically in this section~~ Any commercial saltwater violation not specifically mentioned herein where fish are taken: 6;
- (4) taking, attempting to take, or possessing fish, shellfish, or crustaceans ~~in an unlawful manner, in unlawful or closed areas; including areas closed by the Department of Health and Environmental Control~~ in excess of the legal limit; over or under the lawful size limit; during unlawful hours; or during the closed season for the activity; except trawling violations: 8;
- (5) unlawfully buying, selling or offering for sale to buy or sell fish, shellfish, crustaceans, or other seafood or marine products without a proper license: 8;
- ~~(6) unlawfully buying fish, shellfish, crustaceans, or other seafood or marine products:~~ ~~8;~~
- ~~(7)~~ (6) trawling inside the General Trawling Zone other than in restricted areas:
 - (a) more than one-quarter nautical mile during the closed season: 10;
 - (b) more than one-quarter nautical mile at a time more than ten minutes before daily opening or ten minutes after daily closing times during the open season: 10;
- ~~(8)~~ (7) trawling in a restricted area during closed season: 10;
- ~~(9)~~ (8) trawling outside the General Trawling Zone:
 - (a) one hundred yards or less distance from the nearest point of the General Trawling Zone during the open season: 10;
 - (b) more than one hundred yards distance from the nearest point of the General Trawling Zone during the open season: 18;
 - (c) during the closed season: 18;
- ~~(10)~~ (9) taking or attempting to take fish, shellfish, or crustaceans for a commercial purpose without a proper license, permit, ~~or stamp, tag, or endorsement:~~ 10;
- (11) (10) captain or crew of a boat failing to cooperate, or interfering with an enforcement officer: 18;
- ~~(12)~~ (11) channel netting in an area a closed area to channel netting or during the closed season for channel netting; and 18;
- ~~(13)~~ (12) applying for or obtaining any resident commercial saltwater license, permit, stamp, tag, or endorsement as provided in this chapter using a falsified application or supporting documentation, or simultaneously possessing any currently valid South Carolina resident commercial saltwater license, permit, stamp, tag, or endorsement as provided in this chapter while possessing any resident license, permit, stamp, tag, or endorsement from another state: 18.

(B) The points and penalties assessed under this article are in addition to criminal penalties which may be assessed. Statutory suspension of saltwater privileges provided in other articles of this chapter take precedence over assessment of points under this article. Nothing contained in this article affects the action of the department in suspending, revoking, or canceling a license when the action is mandatory under the provisions of another State or Federal law.

AMEND SECTION 50-5-2505. Point system administration.

(A) Each time a person is convicted of a violation ~~enumerated~~ for which points are assigned in Section 50-5-2500 this article, the number of points assigned to a the violation must be charged against him ~~under a point category~~. Point categories are:

~~(1) commercial, and~~

~~(2) recreational: the persons commercial saltwater fishing privileges.~~

~~Points resulting from any violation must be assigned under only one point category.~~

~~(B) Points assigned for any violation for a commercial purpose except related to an activity authorized solely under a wholesale seafood dealer license must be assigned to the commercial category.~~

~~(C) Points assigned for any violation not for a commercial purpose or not related to an activity authorized solely under a wholesale seafood dealer license must be assigned to the recreational category.~~

~~(D) For each twelve-month period in which the person received no points, the department shall deduct one-half of the accumulated points under each point category if the number of points under that point category is greater than three. If a person has three or less points under a point category at the end of a calendar year in which no points were received, the department shall reduce his point total to zero under that point category.~~

~~(E) Nothing in this article affects the action of the department in suspending, revoking, or canceling a license or permit when the action is mandatory under the laws of this State.~~

AMEND SECTION 50-5-2510. Suspension of saltwater privileges for accumulation of points.

(A) The department must suspend for one year the ~~related~~ commercial saltwater privileges and associated licenses, permits, stamps, tags, and permits-endorsements issued to a person who has accumulated eighteen or more points. ~~under any point category~~. Privileges ~~related to each point category~~ are as follows:

~~(1) commercial: any and all commercial saltwater fishing license, equipment license, and bait dealer license, and~~

~~(2) recreational: marine recreational fishing stamp, pier license, charter fishing vessel license, shrimp baiting license, and any other saltwater licenses utilized for recreational purposes.~~

(B) Any suspension under this article begins the eleventh day after ~~the person or entity receives~~ mailing written notice ~~by mail, return receipt requested, of the suspension~~ and ends the same day the following year. Proof of mailing by return receipt to the last known address is sufficient to constitute notification.

AMEND SECTION 50-5-2515. Notice of suspension; request for review.

~~Upon suspension determination by the department that a person or entity has accumulated sufficient points to warrant the suspension of any saltwater privilege the department must notify the person or entity in writing, return receipt requested, that his saltwater privilege has been suspended, and the person or entity must return all the suspended related commercial saltwater licenses, permits, stamps, tags, or permits endorsements in his name to the department within ten thirty days.~~

50-5-2517 Mammalian dolphin or porpoise; prohibited activities; penalty.

~~Except when authorized by a federal permit, it is unlawful for any person to catch, attempt to catch, feed, feed by hand, kill, or harass any mammalian dolphin or porpoise. A person who violates this~~

~~section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred fifty dollars nor more than one thousand dollars or imprisoned for not more than thirty days, or both.~~

AMEND SECTION 50-5-2520. Appeals.

A person or entity whose commercial saltwater privileges have been suspended may appeal the decision of the department under the Administrative Procedures Act

AMEND SECTION 50-5-2525. Points cleared when suspension expires; concurrent running of suspensions.

~~After the expiration of a period of suspension of commercial saltwater privileges under a point category the person's or entity's record must be cleared of points in only that category. When a person's or entity's privileges are suspended under another article and the person or entity has accumulated enough points to be suspended under this article, the suspension will run concurrently. Where a violation actually results in a suspension of all saltwater fishing privileges under another article, no points shall be assigned under this system for the violation.~~

SECTION 50-5-2530. Administering of article.

The department shall administer and enforce this article and may promulgate regulations for its implementation. The department must inform the public of the point system.

AMEND SECTION 50-5-2535. Engaging in prohibited activities while under suspension; penalties.

~~A person engaging in activities prohibited by this chapter while the person is under suspension, is guilty of a misdemeanor and, upon conviction, for a first offense must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned thirty days and have all saltwater privileges suspended for an additional three year period. A person convicted of a second or subsequent offense under this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than two thousand five hundred dollars or imprisoned one year, and have all saltwater privileges suspended for an additional five years.~~

~~**SECTION 50-5-2536.** Other violations while under suspension.~~

~~(A) While under suspension for recreational activities, any person found guilty of a commercial violation of this chapter shall have all saltwater privileges suspended for one year.~~

~~(B) While under suspension for commercial activities, any person found guilty of a recreational violation of this chapter shall have all saltwater privileges suspended for one year.~~

AMEND SECTION 50-5-2540. Activities prohibited while under commercial saltwater privileges suspension.

(A) It is unlawful for a person whose commercial saltwater privileges are suspended to: ~~under this chapter:~~

(1) ~~to take or attempt to take saltwater fish for commercial purposes;~~ engage in commercial saltwater fishing, wholesaling, or retailing; or

(2) ~~to~~ be on board any vessel while the vessel is being utilized to take or in an attempt to take saltwater fish for commercial purposes.

A person who violates this ~~subsection~~ section is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned for not more than thirty days, and all commercial saltwater privileges must be suspended for an additional period of five years.

(B) No person for whom a commercial saltwater privilege is suspended may purchase or acquire, or attempt to purchase or acquire, a license, permit, ~~or stamp, tag, or endorsement~~ for any privilege which has been suspended. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days and by extension of the suspension period for twelve months.

~~(C) No court may suspend any portion of the minimum fines or lengths of imprisonment provided in this section.~~

AMEND SECTION 50-5-2545. Prior points and suspensions.

~~All points received prior to the effective date of the Marine Resources Act of 2000 shall be assigned under the "commercial category" and remain effective until the validity of these points no longer exists. All suspensions and actions prior to the Marine Resources Act of 2000 remain in effect under the previous mandates until expired. All "recreational category suspensions" previously enacted will remain in full force and effect under the terms of the previous Marine Resources Act of 2000 until the recreational privileges are reinstated under the terms of that Act. All points received under the recreational category that did not result in a suspension will be reduced to zero.~~

TITLE 50; CHAPTER 9; ARTICLE 11.

SUSPENSION OF HUNTING AND FISHING PRIVILEGES

AMEND SECTION 50-9-1110. "Conviction" defined.

"Conviction" as used in this article includes the entry of a plea of guilty, the entry of a plea of nolo contendere, and the forfeiture of bail or collateral deposited to secure a defendant's appearance in court.

"Fish" includes finfish, shellfish including mollusks, crustaceans, horseshoe crabs, whelks (conchs), turtles, and terrapin or products thereof.

"Fishing" includes all activity and effort involved in taking fish, shellfish, or crustaceans; or attempting to take, find, seek, obtain, pursue or diligently search for fish, shellfish, or crustaceans.

"Hunting", "trapping", and "fishing" includes all activity trying to find, seek, obtain, pursue or diligently search for wildlife or fish.

"Wildlife means any wild animal, bird, reptile, amphibian, fish, mollusk, crustacean, or other wild animal, or product, egg, offspring, or the dead body parts of the wildlife, and includes pen raised species that have been historically relegated to the wild.

The provisions of this article apply to all hunting, trapping, and fishing within the jurisdiction of the state, except that the provisions of this article do not apply to commercial saltwater fishing privileges.

AMEND SECTION 50-9-1120. Point system for violations.

There is established the following point system for violations of certain provisions of law:

~~(1) Common violations:~~

~~(a) resisting arrest by the use of force, violence, or weapons against an employee of the department while engaged in his duties, a law enforcement officer aiding in the work of the department, or a federally commissioned employee engaged in like or similar employment: 18;~~

~~(b) attempting escape after lawful arrest: 14;~~

~~(c) hunting or fishing in a state sanctuary at any time: 14;~~

~~(d) hunting, fishing, or trapping out of season, except in a state sanctuary: 10;~~

~~(e) selling game or game fish: 14;~~

~~(f) taking game or fish in an illegal manner not mentioned specifically elsewhere in this section. However, no points may be assessed pursuant to this subitem for fish taken on the seaward side of the saltwater freshwater dividing lines as provided in Section 50-17-30: 8;~~

~~(g) using a borrowed or altered hunting or fishing license: 10;~~

~~(h) taking more than the legal limit of game or fish: 8;~~

~~(i) hunting or fishing without a license in possession: 6;~~

~~(j) trespassing to hunt, fish, or trap: 10;~~

~~(k) violating game management area regulations: 8;~~

~~(l) hunting, taking, possessing, or selling alligators in violation of law or department regulations: 14.~~

~~(2) Hunting violations:~~

~~(a) killing or attempting to kill or molest deer from a motorboat: 14;~~

- ~~(b) night hunting deer or bear: 18;~~
- ~~(c) illegally transporting furs or hides and possessing untagged hides: 10;~~
- ~~(d) trapping quail or wild turkeys: 10;~~
- ~~(e) hunting over bait: 8;~~
- ~~(f) killing or possessing antlerless deer, except as expressly provided by law: 14;~~
- ~~(g) illegally night hunting other game, except deer, or hunting game in prohibited hours: 8;~~
- ~~(h) possessing buckshot illegally: 5;~~
- ~~(i) possessing unplugged gun while hunting, violation of Section 50-11-10: 4;~~
- ~~1. killing or possessing a wild turkey during the closed season: 18;~~
- ~~2. killing or possessing a wild turkey hen during the spring gobbler season: 14;~~
- ~~(j) roost shooting wild turkeys between official sunset and official sunrise: 18;~~
- ~~(k) shooting wild turkeys over bait: 18;~~
- ~~(l) hunting wild turkeys over bait: 10;~~
- ~~(m) trespassing to hunt waterfowl: 18;~~
- ~~(n) hunting waterfowl over bait: 10;~~
- ~~(o) shooting waterfowl over bait: 10;~~
- ~~(p) hunting waterfowl out of posted season: 15;~~
- ~~(q) taking more than one waterfowl over the legal limit: 15;~~
- ~~(r) illegally possessing, taking, or attempting to take raccoons during the season for hunting without weapons: 14.~~
- ~~(3) Fishing violations: trapping, netting, or seining game fish illegally: 10.~~

(A) General violations:

- (1) Failure to cooperate with a law enforcement officer; resisting arrest; failure to stop when signaled by a law enforcement officer; or assaulting a law enforcement officer, or any state or federal employee engaged or assisting in department duties 18
- (2) Unlawfully hunting, trapping, taking, possessing, buying, selling, bartering, or attempting to hunt, trap, take, buy, sell or barter endangered or threatened wildlife or fish 18
- (3) Unlawfully buying, selling, bartering, or attempting to buy, sell, or barter other wildlife or gamefish 12
- (4) Hunting, trapping, or fishing while trespassing 10
- (5) Taking or attempting to take game fish with a net, seine, or trap 10
- (6) Hunting, trapping, fishing, taking, or possessing wildlife or fish in excess of the legal limit; during the closed season; in a prohibited area; over bait; with a prohibited weapon; or preparing a baited area for hunting 8
- (7) Violation of WMA regulations governing hunting, trapping, or fishing 8

(8) Hunting, trapping, fishing, taking, or possessing wildlife or fish: on prohibited days; during unlawful hours; that are over or under the lawful size limit; or without a proper license, permit, stamp, tag, or endorsement 6

(B) Specific violations:

- (1) Night hunting deer, bear, or turkey 18
- (2) Any violation of striped bass laws related to seasons, limits, methods or size 14
- (3) Any violation of alligator laws related to seasons, limits, methods, or size 14

(C) Other Violations:

- (1) Failing to make, keep, or submit records as required by law, regulation, or permit 4
- (2) Any hunting, trapping, or fishing violation not specifically listed herein where wildlife or fish are taken 6

AMEND SECTION ~~50-9-1130~~. Deduction of accumulated points.

(D) Each time a person is convicted of a violation enumerated in this Section ~~50-9-1120~~, the number of points assigned to the violation must be charged against the person. For each calendar year that passes ~~after assignment~~ in which the person received no points, the department shall deduct one-half of the accumulated points if the total number of points is greater than three. If a person has three or less points at the end of a calendar year in which no points were received, the department shall reduce his point total to zero; however, a person's record must not be less than zero points.

AMEND SECTION ~~50-9-1140~~. SECTION 50-9-1130 Suspension of hunting and fishing privileges.

(A) The department ~~shall~~ must suspend for one year the hunting, trapping, and fishing privileges of ~~a~~ any person who has accumulated eighteen or more points. The suspension begins the eleventh day after the person is sent ~~receives written~~ notice by mail, return receipt requested, of the suspension, and ends the same day the following year. Proof of mailing by return receipt to the last known address is sufficient to constitute notification.

AMEND SECTION 50-9-1150. Notice of suspension; review by department.

(A) ~~(A) Upon determination that a licensee has accumulated sufficient points to warrant suspension of privileges, the department shall notify him in writing that his privileges are suspended and the licensee shall return the license to the department within ten days. Upon suspension the person must surrender all licenses, permits, stamps, tags, or endorsements that allow suspended privileges to the department within thirty days. Any licenses, permits, stamps, tags, or endorsements allowing suspended privileges that are possessed by an individual under suspension are invalid.~~

(B) ~~(B) The person may, within ten days after notice of suspension, request in writing a review, and upon receipt of the request, the department shall afford him a review. The department shall notify him of the~~

date, time, and place of the review and the person shall have the right to have his attorney present with him if he so desires.

~~(C) If the person requests a review, the suspension shall be held in abeyance until the day of the final disposition of his review by the department and if the suspension is upheld, the suspension shall commence on the eleventh day thereafter and end on the same day of the following year. The review by the department shall be limited to a determination of the validity of the violations and points assessed. No probationary authority is given to the department by discretion or otherwise. A person may appeal their suspension in accordance with the Administrative Procedures Act.~~

REPEAL SECTION 50-9-1160. Review by circuit judge.

~~(A) A person whose privileges have been suspended under the provisions of this article may, within ten days after notice of the result of the review, apply to the resident or presiding circuit judge of the circuit in which the applicant resides for a review upon the record certified to by the board to determine if the action taken by the department is lawful and in accordance with the provisions of this article. The person shall have the right to have his counsel present with him if he so desires.~~

~~(B) If the person requests a review upon the record the suspension shall be held in abeyance until the day of the final disposition of the review upon the record and if the suspension is upheld, the suspension shall commence on that day and end on the same day of the following year.~~

AMEND SECTION ~~50-9-1170~~ 50-9-1130. Expiration of suspension period.

After the expiration of the period of suspension, the person's record shall be cleared of points and the person starts anew with no points.

AMEND SECTION ~~50-9-1180~~ 50-9-1140. Administration; promulgation of regulations.

The department shall administer and enforce this article and may promulgate regulations necessary for its administration not inconsistent with the article. The department ~~shall~~ must print and distribute ~~at the time of selling hunting or fishing licenses a card or brochure~~ informational material explaining the point system.

AMEND SECTION ~~50-9-1190~~ 50-9-1150. Other laws of the State.

The points and penalties assessed under this article are in addition to criminal penalties which may be assessed. Statutory suspension of hunting, trapping, and fishing privileges provided in other articles of this chapter take precedence over assessment of points under this article. Nothing contained in this article affects the action of the department in suspending, revoking, or canceling a license when the action is mandatory under the provisions of another ~~law of this State~~ or Federal law.

AMEND SECTION ~~50-9-1200~~ 50-9-1200. Hunting or fishing while under suspension; violations; penalties.

A person who hunts, traps, or fishes while under suspension is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred ~~fifty~~ dollars nor more than five hundred dollars or imprisoned not more than one year, or both, and must have his hunting, trapping, and fishing privileges suspended for an additional three years.

SECTION 50-9-1210. Effect of points and penalties.

The points and penalties assessed under this article are in addition to and not in lieu of any other civil remedies or criminal penalties which may be assessed.

ADDSECTION 50-9-1220. Prior Points and Suspensions

All points, suspensions, and actions prior to this Act will remain in effect under the previous mandates until expired.

ADD SECTION 50-9-1300. Probationary Privileges Program for Points Suspension

(A) Upon suspension of hunting, trapping, and fishing privileges under this article, a person may, within 30 days of receipt, request in writing a review by the department to determine eligibility for the probationary privileges program. A person who is eligible for probationary privileges, and who successfully completes the requirements of the program, will have their hunting, trapping, and fishing privileges placed on a probationary status for the duration of the original suspension period. Upon completing the probationary period without another violation of the game and fish laws the person will have their hunting, trapping, and fishing privileges fully reinstated.

(B) A person is not eligible to participate in the program if at the beginning date of the suspension:

(1) They have had any hunting, trapping, or fishing suspension within the previous ten years; or

(2) They previously participated in the probationary privileges program.

Add 50-9-1310. Program Requirements.

(A) Upon entry into the program the person must attend and successfully complete a conservation education course provided by the department.

(B) A persons privileges remain suspended until such time that they complete the requirements of the program and are notified by the department of their probationary privileges status.

Add 50-9-1320. Violation of Probationary Privileges.

(A) Any person convicted of hunting, trapping, or fishing in violation of the law while under probationary privileges status will have their privileges to hunt, trap, and fish suspended for one year from the date of the most recent conviction.

(B) A person suspended under the provisions of this section must be notified by the department by return receipt mail of the suspension of their hunting, trapping, and fishing privileges. Proof of attempted service of the letter by return receipt mail to the last known address provided to the department is sufficient to constitute notification.

Add 50-9-1330. Administrative Procedures Act Appeal.

Entry into the probationary privileges program does not preclude an individual from pursuing an appeal under the Administrative Procedures Act.

OTHER AMENDMENTS

REPEAL SECTION 50-1-20 "Hunters" and "hunting" defined.

The word "hunters" in the game laws of this State providing punishment shall not be construed so as to include persons who, without guns, assist others with dogs and horses or in the finding or retrieving of birds nor shall any such activity be deemed to constitute "hunting" within the meaning of such laws.

AMEND SECTION 50-11-540. Penalties for violating rules applicable to wild turkey hunting; forfeiture of hunting and fishing privileges.

Any person taking, attempting to take, or having in his possession turkey illegally or taking, attempting to take, or killing turkey in any way not prescribed by the department is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than one hundred dollars or imprisoned for not more than thirty days. In addition, a person taking a wild turkey unlawfully must make restitution to the department in the amount of five hundred dollars for each bird taken. ~~In addition, a person convicted of taking a wild turkey illegally forfeits hunting and fishing privileges for one year for each bird taken.~~

AMEND SECTION 50-13-1195. Penalties for violation of article or regulation; forfeiture of tags and permits.

A person violating this article or regulations adopted and promulgated under its authority is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than two hundred dollars or imprisoned not more than thirty days. ~~In addition to that penalty, the court may require the person to forfeit for one year tags and permits purchased pursuant to Section 50-13-1155 and may provide for his ineligibility for other tags and permits for that year.~~

Appendix 2.

Legislative Bill Proposal No Strike or Underline

INTRODUCTION

The following proposal would amend the law to include two points laws.

The first is an amended version of the commercial saltwater fisheries points law. As amended it would only apply to commercial saltwater fishing violations and would not include any provisions for probationary suspensions. Recreational saltwater fishing violations would be assessed points under the game and fish points law.

The other is an amendment of the game and fish points law. As amended it would apply to privileges for recreational hunting; trapping; freshwater fishing; saltwater recreational fishing; and freshwater commercial fishing.

The game and fish points law as amended would provide for probationary privileges that would be granted for recreational activities under certain conditions, with a provision for revocation of those privileges. Probationary privileges would allow an individual to regain hunting and fishing privileges with strict guidelines for the duration of the original suspension.

AMEND TITLE 50; CHAPTER 5; ARTICL 25.

POINT SYSTEM FOR VIOLATIONS OF COMMERCIAL MARINE RESOURCES LAWS

SECTION 50-5-2500. Conviction defined.

“Conviction” as used in this article includes the entry of a plea of guilty, the entry of a plea of nolo contendere, and the forfeiture of bail or collateral deposited to secure a defendant’s appearance in court.

“Commercial saltwater privileges” as used in this article includes commercial saltwater fishing, and all other activities related to the commercialization of saltwater fish, shellfish, or crustaceans; as well as all associated commercial saltwater licenses, permits, stamps, tags, and endorsements issued to a person.

The provisions of this article apply to all commercial saltwater privileges within the jurisdiction of the state regardless of whether the activity requires a license, permit, stamp, tag, or endorsement; except that they do not apply to fishing in strictly private ponds.

SECTION 50-5-2501. Point values for suspension of commercial saltwater privileges.

(A) There are established the following point values to be assigned by the department in suspending the commercial saltwater privileges of persons or entities found to be in violation of commercial saltwater fishing laws.:

- | | |
|---|-----|
| (1) failing to keep records or make reports required by law, permit, or regulation: | 4; |
| (2) violations related to crab size or sponge crabs: | 4; |
| (3) Any commercial saltwater violation not specifically mentioned herein where fish are taken: | 6; |
| (4) taking, attempting to take, or possessing fish, shellfish, or crustaceans, in unlawful or closed areas: in excess of the legal limit; over or under the lawful size limit; during unlawful hours; or during the closed season for the activity; except trawling violations: | 8; |
| (5) unlawfully buying, selling or offering to buy or sell fish, shellfish, crustaceans, or other seafood or marine products: | 8; |
| (6) trawling inside the General Trawling Zone other than in restricted areas: | |
| (a) more than one-quarter nautical mile during the closed season: | 10; |
| (b) more than one-quarter nautical mile at a time more than ten minutes before daily opening or ten minutes after daily closing times during the open season: | 10; |
| (7) trawling in a restricted area during closed season: | 10; |
| (8) trawling outside the General Trawling Zone: | |
| (a) one hundred yards or less distance from the nearest point of the General Trawling Zone during the open season: | 10; |
| (b) more than one hundred yards distance from the nearest point of the General Trawling Zone during the open season: | 18; |
| (c) during the closed season: | 18; |
| (9) taking or attempting to take fish, shellfish, or crustaceans for a commercial purpose without a proper license, permit, stamp, tag, or endorsement: | 10; |
| (10) captain or crew of a boat failing to cooperate, or interfering with an enforcement officer: | 18; |

- (11) channel netting in a closed area or during the closed season: 18;
- (12) applying for or obtaining any resident commercial saltwater license, permit, stamp, tag, or endorsement using a falsified application or supporting documentation, or simultaneously possessing any currently valid South Carolina resident commercial saltwater license, permit, stamp, tag, or endorsement while possessing any resident license, permit, stamp, tag, or endorsement from another state: 18.

(B) The points and penalties assessed under this article are in addition to criminal penalties which may be assessed. Statutory suspension of saltwater privileges provided in other articles of this chapter take precedence over assessment of points under this article. Nothing contained in this article affects the action of the department in suspending, revoking, or canceling a license when the action is mandatory under the provisions of another State or Federal law.

SECTION 50-5-2505. Point system administration.

(A) Each time a person is convicted of a violation for which points are assigned in this article, the number of points assigned to the violation must be charged against the persons commercial saltwater fishing privileges.

(B) For each twelve-month period in which the person received no points, the department shall deduct one-half of the accumulated points if the number of points is greater than three. If a person has three or less points at the end of a calendar year in which no points were received, the department shall reduce his point total to zero.

SECTION 50-5-2510. Suspension of saltwater privileges for accumulation of points.

(A) The department must suspend for one year the commercial saltwater privileges and associated licenses, permits, stamps, tags, and endorsements issued to a person who has accumulated eighteen or more points.

(B) Any suspension under this article begins the eleventh day after mailing written notice, return receipt requested, and ends the same day the following year. Proof of mailing by return receipt to the last known address is sufficient to constitute notification.

SECTION 50-5-2515. Notice of suspension; request for review.

Upon suspension the person or entity must return all related commercial saltwater licenses, permits, stamps, tags, or endorsements in his name to the department within thirty days.

SECTION 50-5-2520. Appeals.

A person or entity whose commercial saltwater privileges have been suspended may appeal the decision of the department under the Administrative Procedures Act

SECTION 50-5-2525. Points cleared when suspension expires; concurrent running of suspensions.

After the expiration of a period of suspension of commercial saltwater privileges

SECTION 50-5-2530. Administering of article.

The department shall administer and enforce this article and may promulgate regulations for its implementation. The department must inform the public of the point system.

SECTION 50-5-2540. Activities prohibited while under commercial saltwater privileges suspension.

(A) It is unlawful for a person whose commercial saltwater privileges are suspended to:

- (1) engage in commercial saltwater fishing, wholesaling, or retailing; or
- (2) be on board any vessel while the vessel is being utilized to take or in an attempt to take saltwater fish for commercial purposes.

A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned for not more than thirty days, and all commercial saltwater privileges must be suspended for an additional period of five years.

(B) No person for whom a commercial saltwater privilege is suspended may purchase or acquire, or attempt to purchase or acquire, a license, permit, ~~or~~ stamp, tag, or endorsement for any privilege which has been suspended. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days and by extension of the suspension period for twelve months.

SECTION 50-5-2545. Prior points and suspensions.

All "recreational category suspensions" previously enacted will remain in full force and effect under the terms of the previous Marine Resources Act of 2000 until the recreational privileges are reinstated under the terms of that Act. All points received under the recreational category that did not result in a suspension will be reduced to zero.

TITLE 50; CHAPTER 9; ARTICLE 11.

SUSPENSION OF HUNTING AND FISHING PRIVILEGES

SECTION 50-9-1110. "Conviction" defined.

"Conviction" as used in this article includes the entry of a plea of guilty, the entry of a plea of nolo contendere, and the forfeiture of bail or collateral deposited to secure a defendant's appearance in court.

"Fish" includes finfish, shellfish including mollusks, crustaceans, horseshoe crabs, whelks (conchs), turtles, and terrapin or products thereof.

"Fishing" includes all activity and effort involved in taking fish, shellfish, or crustaceans; or attempting to take, find, seek, obtain, pursue or diligently search for fish, shellfish, or crustaceans.

"Hunting", "trapping", and "fishing" includes all activity trying to find, seek, obtain, pursue or diligently search for wildlife or fish.

"Wildlife means any wild animal, bird, reptile, amphibian, fish, mollusk, crustacean, or other wild animal, or product, egg, offspring, or the dead body parts of the wildlife, and includes pen raised species that have been historically relegated to the wild.

The provisions of this article apply to all hunting, trapping, and fishing within the jurisdiction of the state, except that the provisions of this article do not apply to commercial saltwater fishing privileges.

SECTION 50-9-1120. Point system for violations.

There is established the following point system for violations of certain provisions of law:

(A) General violations:

- | | |
|--|----|
| (1) Failure to cooperate with a law enforcement officer; resisting arrest; failure to stop when signaled by a law enforcement officer; or assaulting a law enforcement officer, or any state or federal employee engaged or assisting in department duties | 18 |
| (2) Unlawfully hunting, trapping, taking, possessing, buying, selling, bartering, or attempting to hunt, trap, take, buy, sell or barter endangered or threatened wildlife or fish | 18 |
| (3) Unlawfully buying, selling, bartering, or attempting to buy, sell, or barter other wildlife or gamefish | 12 |
| (4) Hunting, trapping, or fishing while trespassing | 10 |

(5) Taking or attempting to take game fish with a net, seine, or trap	10
(6) Hunting, trapping, fishing, taking, or possessing wildlife or fish in excess of the legal limit; during the closed season; in a prohibited area; over bait; with a prohibited weapon; or preparing a baited area for hunting	8
(7) Violation of WMA regulations governing hunting, trapping, or fishing	8
(8) Hunting, trapping, fishing, taking, or possessing wildlife or fish: on prohibited days; during unlawful hours; that are over or under the lawful size limit; or without a proper license, permit, stamp, tag, or endorsement	6
(B) Specific violations:	
(9) Night hunting deer, bear, or turkey	18
(10) Any violation of striped bass laws related to seasons, limits, methods or size	14
(11) Any violation of alligator laws related to seasons, limits, methods, or size:	14
(C) Other Violations:	
(12) Failing to make, keep, or submit records as required by law, regulation, or permit	4
(13) Any hunting, trapping, or fishing violation not specifically listed herein where wildlife or fish are taken	6

SECTION 50-9-1125

(A) Each time a person is convicted of a violation enumerated in this Section, the number of points assigned to the violation must be charged against the person. For each calendar year that in which the person received no points, the department shall deduct one-half of the accumulated points if the total number of points is greater than three. If a person has three or less points at the end of a calendar year in which no points were received, the department shall reduce his point total to zero; however, a person's record must not be less than zero points.

SECTION SECTION 50-9-1130 Suspension of hunting and fishing privileges.

(A)The department must suspend for one year the hunting, trapping, and fishing privileges of any person who has accumulated eighteen or more points. The suspension begins the eleventh day after the person is sent notice by mail, return receipt requested, of the suspension, and ends the same day the following year. Proof of mailing by return receipt to the last known address is sufficient to constitute notification.

SECTION 50-9-1150. Notice of suspension; review by department.

(B) Upon suspension the person must surrender all licenses, permits, stamps, tags, or endorsements that allow suspended privileges to the department within thirty days. Any licenses, permits, stamps, tags, or endorsements allowing suspended privileges that are possessed by an individual under suspension are invalid.

(C) A person may appeal their suspension in accordance with the Administrative Procedures Act.

SECTION 50-9-1130. Expiration of suspension period.

After the expiration of the period of suspension, the person's record shall be cleared of points and the person starts anew with no points.

SECTION 50-9-1140. Administration; promulgation of regulations.

The department shall administer and enforce this article and may promulgate regulations necessary for its administration not inconsistent with the article. The department must print and distribute informational material explaining the point system.

SECTION 50-9-1150. Other laws of the State.

The points and penalties assessed under this article are in addition to criminal penalties which may be assessed. Statutory suspension of hunting, trapping, and fishing privileges provided in other articles of this chapter take precedence over assessment of points under this article. Nothing contained in this article affects the action of the department in suspending, revoking, or canceling a license when the action is mandatory under the provisions of another State or Federal law.

SECTION 50-9-1200. Hunting or fishing while under suspension; violations; penalties.

A person who hunts, traps, or fishes while under suspension is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned not more than one year, or both, and must have his hunting, trapping, and fishing privileges suspended for an additional three years.

SECTION 50-9-1210. Effect of points and penalties.

The points and penalties assessed under this article are in addition to and not in lieu of any other civil remedies or criminal penalties which may be assessed.

SECTION 50-9-1220. Prior Points and Suspensions

All points, suspensions, and actions prior to this Act will remain in effect under the previous mandates until expired.

SECTION 50-9-1300. Probationary Privileges Program for Points Suspension

(A) Upon suspension of hunting, trapping, and fishing privileges under this article, a person may, within 30 days of receipt, request in writing a review by the department to determine eligibility for the

probationary privileges program. A person who is eligible for probationary privileges, and who successfully completes the requirements of the program, will have their hunting, trapping, and fishing privileges placed on a probationary status for the duration of the original suspension period. Upon completing the probationary period without another violation of the game and fish laws the person will have their hunting, trapping, and fishing privileges fully reinstated.

(B) A person is not eligible to participate in the program if at the beginning date of the suspension:

- (1) They have had any hunting, trapping, or fishing suspension within the previous ten years; or
- (2) They previously participated in the probationary privileges program.

SECTION 50-9-1310. Program Requirements.

(A) Upon entry into the program the person must attend and successfully complete a conservation education course provided by the department.

(B) A persons privileges remain suspended until such time that they complete the requirements of the program and are notified by the department of their probationary privileges status.

SECTION 50-9-1320. Violation of Probationary Privileges.

(A) Any person convicted of hunting, trapping, or fishing in violation of the law while under probationary privileges status will have their privileges to hunt, trap, and fish suspended for one year from the date of the most recent conviction.

(B) A person suspended under the provisions of this section must be notified by the department by return receipt mail of the suspension of their hunting, trapping, and fishing privileges. Proof of attempted service of the letter by return receipt mail to the last known address provided to the department is sufficient to constitute notification.

SECTION 50-9-1330. Administrative Procedures Act Appeal.

Entry into the probationary privileges program does not preclude an individual from pursuing an appeal under the Administrative Procedures Act.