

# **Arkansas Game and Fish Commission**

## **Code Book**

**The regulations in this Code Book are hereby adopted by the Arkansas State Game and Fish Commission under authority of Amendment 35 to the Constitution of the State of Arkansas. All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.**

## **U1.00 Wildlife Violator Compact Operations Manual**

[U1.01](#) Wildlife Violator Compact Operations Manual

## **U1.01 Wildlife Violator Compact Operations Manual**

### **SECTION I**

#### **BACKGROUND**

##### **I. Historical Information**

The concept of a wildlife violator compact was first advanced in the early 1980s by member states in the Western Association of Fish and Wildlife Agencies. Law enforcement administrators and Wildlife Commissioners from several states began discussing the idea of a compact based on the format of the existing Driver's License Compact and Non-Resident Violator Compact, both of these related to motor vehicle operator licensing and enforcement.

In 1985 draft compacts were developed independently in Colorado and Nevada. Subsequently, these drafts were merged and the Wildlife Violator Compact (WVC) was presented for discussion at the 1986 Law Enforcement Technical Committee Workshop of the Western Association.

During the 1989 Legislative session compact legislation was passed into law in Colorado, Nevada and Oregon. These three states formed the nucleus for the development of the operational procedures of the WVC.

##### **II. Compact Benefits**

###### **A. For the consumer**

1. Delays, and/or the inconvenience involved with the processing of a violation are comparable for residents and nonresidents of participating states.
2. Personal recognizance is permitted in many cases involving wildlife violations. Certain violations and circumstances still require an immediate appearance or bonding.

###### **B. For the agency**

1. Wildlife law enforcement officers are able to devote more time to patrol, surveillance and apprehension of violators since they are not burdened with violator processing procedures.
2. The burden on courts and jail facilities is reduced because of the decreased caseload involving immediate appearances, bonding and incarceration.
3. Public relations are improved by not having to subject as many violators to the inconveniences of immediate appearance, bonding, or incarceration.
4. The number of "Failure to Appear" cases is reduced because nonresidents cannot ignore a citation from participating states without facing the suspension of their wildlife license privileges in their home states.
5. Wildlife law violators are put on notice that their activities in one state can affect their privilege to recreate in all participating states.

### **SECTION II**

#### **WILDLIFE VIOLATOR COMPACT ARTICLES**

**NOTE:** The complete text of the Wildlife Violator Compact, as adopted by the Arkansas State Game and Fish Commission in 2012 and incorporated herein by reference, is found in Addendum [T1.01](#).

### **SECTION III**

#### **PROCEDURAL MATTERS**

##### **I. The Wildlife Violator Compact**

#### A. What is it?

The Wildlife Violator Compact (WVC) assures nonresident violators receiving citations for certain wildlife violations in participating states the same treatment accorded residents who are in violation. Procedures are established in Section IV of this manual which cause a nonresident violator who fails to comply with the terms of a citation issued in a participating state to face the possibility of the suspension of his wildlife license privileges in his home state until the terms of the citation are met. Safeguards are built into the WVC to assure that a non-resident violator is afforded all due process protection.

In addition, the WVC provides for the reciprocal recognition of the suspension of license privileges by participating states, subject to limitations again intended to provide due process protection. The reciprocal recognition of suspensions is intended to address the problems associated with the mobility of many violators.

Finally, the WVC provides that information on convictions in participating states shall be forwarded to the home state of the violator. The home state shall treat such convictions as if they had occurred in that state for the purposes of license suspension actions.

The WVC not only assures equal treatment of residents and nonresidents of participating states, but also enhances the law enforcement services and deterrent value of time spent patrolling by uniformed officers.

#### B. What it is not.

The WVC is not a device to secure court appearance if a defendant has previously delivered himself into the court's jurisdiction and trial has been postponed to a later date. It is not a device for collecting unpaid portions of fines allowed to be paid in installments by the courts. It is not a punitive device.

### II. Release on Personal Recognizance

#### A. Violations covered

1. Any violation subject to the provisions of a "Penalty Assessment", which allows a violator to comply with a citation by mailing a fine payment to the issuing agency or a court, thereby admitting guilt without a formal appearance.
2. Any violation written as a summons requiring a violator to deal directly with the court, either in person, by mail or through an attorney. Unless there are other restrictions in this document or in the laws, policies or procedures of the issuing state or the court of jurisdiction.
3. In order for a violation to be subject to these provisions the person to whom the citation is issued must be a resident of a Compact state, other than the issuing state, at the time the citation is issued.

#### B. Types of Violations Not Covered

1. Any violations that mandate a personal appearance.
2. Any petty offense or misdemeanor violation that has a jail term as a mandatory penalty.
3. Any felony violation.
4. Any violation that the issuing officer deems serious enough to arrest a resident violator.
5. Any violation or situation which the laws, policies or procedures of the issuing state dictate shall be handled otherwise.

### III. Compliance With a Citation

#### A. Methods of Compliance

1. Payment by mail where provided for.
  2. Responding to the citation in person.
  3. Submission of a plea by mail where allowed.
  4. Responding through an attorney where allowed.
- #### B. Evidence of Compliance (in response to a notice of suspension for noncompliance).

1. Certificate from the court.

2. Copy of the court judgment.

NOTE: personal representations, check stubs, money order receipts, etc. are not acceptable.

3. The violator copy of a Notice of Compliance sent by the issuing state.

## SECTION IV

### COMPACT PROCESS

The following are the general procedures to be followed by enforcement agencies and courts in States which are participants in the Wildlife Violator Compact (WVC). Specific procedures which are developed to comply with the legal and administrative requirements of the various States shall be acceptable so long as they comply with the intent of this manual.

The following procedures make the assumption that the violation in question meets the general requirements of Paragraph II A. of Section III of this Manual.

#### I. Procedures for the Issuing State

A. The officer issues a citation to the violator on the standard form used in that state.

1. When a nonresident is issued a citation and released on personal recognizance under the provisions of this compact, it is advisable that the signature of the recipient is contained on the citation, regardless of specific requirements on that issue.

2. The citation is returnable to the court at a future date specified on the document, in accordance with the laws, regulations, policies, or procedures of the Agency and/or the Court of jurisdiction

B. If the violator pays the fine or resolves the case with the court, as appropriate, the matter is closed and no further action is taken under the provisions of Paragraphs I and II of this section of the WVC.

C. If the violator does not resolve the case by payment of the fine or with the court, action under the provisions of the WVC will be initiated.

1. The "Notice of Failure to Comply" form will be completed and the original delivered to the violator by certified mail, return receipt requested, or in person. The remaining copies are held in a suspense file pending a response from the violator.

**Any "Notice of Failure to Comply" shall be processed by the issuing state and reported to the home state within six months of issuance of the citation.**

a. Sufficient time will be allowed for the defendant to respond to the Notice of Failure to Comply Form prior to initiating further action under the WVC. This will normally be not less than 14 days and not more than 28 days.

b. If the defendant complies with the terms of the citation within the grace period allowed, no further action is taken under the provisions of this section of the WVC. Final action in a court case is not a prerequisite.

2. If the defendant fails to respond within the time allowed, copy 2 of the Notice of Failure to Comply will be sent to the home state of the defendant. The home state will proceed as outlined in Section II.

#### Procedures for Home State

a. If at any time beyond this point in the WVC process the defendant resolves the case with the court, it is imperative that copies 3 and 4 of the Notice of failure to comply (Defendant's and Home State Acknowledgment of Compliance) be mailed immediately so that any pending or ongoing suspension of license privileges which are the result of the action at hand may be canceled.

b. At any time subsequent to the mailing of the Notice of Failure to Comply that the violator complies with the citation as specified in Section B or Section C.1.b, above, no further actions under this section of the WVC will take place.

## II. Procedures for the Home State

A. Upon receipt of the "Notice of Failure to Comply" from the issuing state, the licensing authority of the home state of the violator will review the form for the following:

1. Is it legible?
  2. Is it complete?
  3. Is it timely, within the six month limit of the compact?
  4. Is the violation covered under the compact?
  5. Are all other aspects of the case proper under applicable state laws, policies, and procedures?
- B. If for any reason the case cannot be acted on, it will be returned to the issuing state within 14 days with an explanation of the problem. If all problems are resolved and the case is returned to the home state it will be reinstated.
- C. If the case is accepted, it will be entered into the suspension process of the home state.
- D. A Notice of Suspension will be prepared and sent to the violator. If it is a provision of the laws, policies or procedures of the home state, an advance warning letter to the violator is acceptable.

The Notice of Suspension should have a delayed effective date to permit the violator to contact the court in the issuing state and resolve the case. The length of this delay is subject to the laws, policies or procedures of the home state, but should be at least 14 days in length.

The Notice of Suspension must inform the violator of the facts behind the suspension with special emphasis on the procedures to be followed in resolving the matter with the court in the issuing state. Accurate information on the court (name, address, phone number) must be provided in the Notice of Suspension. This will help eliminate inquiries of the home state which are costly, time consuming and nonproductive as the home state can do nothing to resolve the case.

Should the defendant request a hearing on the suspension, it will follow form appropriate to the laws, policies or procedures of the home state.

Such hearings will normally be restricted to challenging the right of the home state to suspend under the provisions of the WVC; to deny receiving the original citation (thus the importance of the violator's signature on the citation); or to claim that the case has been resolved.

The question of guilt or innocence regarding the original charge will not be a subject of hearings held under the provisions of this section.

If needed, assistance can be requested from the issuing state. This is normally limited to obtaining certified documentation.

**NOTE: Suspensions levied for failure to comply with the terms of a citation are enforced in the home state of the violator and honored by all compact states.** These administrative suspensions are not to be confused with suspensions which are the result of convictions of wildlife violations in one or more states which are Participants in the WVC.

F. If the suspension is upheld, the defendant must then proceed to resolve the court case with the suspension remaining in effect.

G. If the suspension is denied for any reason, the case is terminated and the suspension order vacated. In such cases the issuing state will be informed of the reason for denial.

H. Appeals from suspension orders will be handled in accordance with the laws, policies and procedures of the home state.

1. Should a suspension order be overturned on appeal, the issuing state shall be notified.

I. When a violator resolves a case with the court in the issuing state, an acknowledgement of compliance will be issued directly to that person. It is the responsibility of the violator to present this document to the licensing authority in the home state in order to terminate the suspension. The acknowledgement of compliance may take any form acceptable to the home state and the Court.

1. If the acknowledgement of compliance is presented prior to the effective date of the suspension,

the suspension is cleared immediately.

2. If the acknowledgement of compliance is presented after the effective date of the suspension, reinstatement will be handled in accordance with the laws, policies and procedures of the home state.

J. Any reinstatement or restoration fees shall be established and assessed in accordance with the laws, policies and procedures of the home state.

### III. Reciprocal Recognition of Suspensions

A. States participating in the WVC shall recognize the suspension for cause of the license privileges of any person by any other participating state under the following circumstances:

1. The suspension is the result a conviction for one or more of the following violations types or a failure to appear on a wildlife citation:

a) Priority will be placed on the following violation types:

#### **VIOLATION WVC CODE FORIWVC Database**

Illegal take or possession of big game BGV

Illegal take or possession of threatened or endangered species TEV

Felony wildlife violations FEV

License violations, fraud, false statement LIV

Waste of wildlife WAV

Accumulated wildlife violations ACV

Violations while on revocation REV

Sale/purchase of wildlife SPV

Failure to Appear FTA

b) The following violation types will also be subject to reciprocal revocation by member states depending on member state laws:

#### **VIOLATION WVC CODE FORIWVC Database**

Illegal take or possession of small game or migratory birds SGV

Illegal take or possession of fish FIV

Illegal take or possession of other wildlife OWV

Tag/permit/license transfer TRV

Federal Wildlife Violations FDV

Other criminal violations OTV

Guide/outfitter violations GUV

Safety Violations SAV

Trespass Violations TPV

Littering Violations LPV

Interfering With an Officer IWO

2. And, such recognition of suspension is not contrary to the laws of that state.

B. Recognition of suspensions which do not meet the criteria of section III. A. 1 and 2 above will be up to the laws, policies and procedures of that state.

C. Each state participating in the WVC shall communicate suspension information to other participating states, using the secure Interstate Wildlife Violator Compact database. Participating states will use the guidelines prescribed by the board of compact administrators. The following information will be included but not limited to:

1. Positive identification of the subject of the suspension. Including:

a. Name

b. Date of birth

c. Physical description

d. Last known address

2. The basis of the suspension including:

- a. Violation(s) and convictions upon which the suspension is based.
- b. The scope of the suspension (ie. fishing, hunting, trapping, all privileges).
- c. Effective dates of the suspension.
- D. In the event documentation of a violation and subsequent license suspension is needed by a member state for license suspension hearings or other purposes, the issuing state shall provide certified copies of the citation or other charging instrument, any arrest or investigation reports, suspension orders and the disposition of the matter.

#### IV. Transmittal of Conviction Information to the Home State of the Violator

A. Upon a conviction, the issuing state shall forward to the home state of the violator the following information:

##### 1. Personal Information

- a. Name
- b. Date of birth
- c. Sex
- d. Physical description (height, weight, hair, eyes)
- e. Last known address

##### 2. Violation Information

- a. Citation number
- b. Violation description
- c. Revocation begin & end date
- d. Fine assessed

B. For the purpose of consideration for license suspension, the home state shall treat such convictions in other participating states as if they had occurred in the home state.

C. In the event detailed information on a violation is needed by the home state, for license suspension hearings or other purposes, the issuing state shall provide certified copies of the citation or other charging instrument, any arrest or investigation reports and the disposition of the matter.

### **SECTION V**

#### **ADMINISTRATIVE MATTERS**

##### I. Entry into the Compact

A. Entry into the WVC may be accomplished by the following methods.

- 1. A state legislature may accomplish WVC joinder by adopting the full compact as a statute.
- 2. A state legislature may authorize and direct that state's wildlife agency to enter into the compact.

B. Upon legislative action as specified above, entry into the WVC shall be finalized by the submission of a resolution of ratification and an informational application submitted to the chairman of the board of compact administrators. The resolution of ratification shall be signed by the chief administrator of the wildlife agency or licensing authority and shall include the items found in section (b),2 of Article VIII of the WVC.

C. The effective date of entry shall be specified by the applying state but shall be at least sixty days after notice has been given to each member state by the chairman of the board of compact administrators.

D. Only violations which are committed on or after the effective date of entry, and resulting suspensions, shall be subject to the provisions of the Compact.

##### II. Withdrawal from the Compact

A. A member state may withdraw from the WVC by submitting official written notice to the other member states. Such withdrawal shall not be effective until ninety (90) days after such notice is mailed.

B. Such notice must be directed to the compact administrator of each member state.



C. The withdrawal of one or more member states shall have no effect on the validity of the WVC as to the remaining member states.