

Regular Session, 2010

HOUSE BILL NO. 1255

BY REPRESENTATIVE AUSTIN BADON

ANIMALS: Provides relative to voluntary surrender of illegal animals to the Dept. of Wildlife and Fisheries

1 AN ACT

2 To amend and reenact R.S. 56:56, relative to seizure of things illegally used or possessed;
3 to authorize the voluntary surrender to the Department of Wildlife and Fisheries of
4 live animals illegally possessed; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 56:56 is hereby amended and reenacted to read as follows:

7 §56. Seizure or surrender of things illegally used or possessed

8 A. Any enforcing officer may seize:

9 (1) ~~Wild birds and wild quadrupeds~~ Any animal or parts thereof, possessed,
10 transported, sold, offered for sale, or purchased contrary to the provisions of this
11 ~~Chapter Title~~.

12 (2) Deer, bears, or wild turkey or parts thereof in the possession of any
13 person which is not tagged or identified as required by this ~~Chapter Title~~.

14 (3) Fish and other aquatic life, taken, possessed, transported, sold, offered
15 for sale, or purchased contrary to the provisions of this ~~Chapter Title~~.

16 (4) Traps, nets, cages, snares, explosives, guns and other devices placed, set,
17 or otherwise used or possessed for the purpose of taking wild birds or quadrupeds
18 contrary to the provisions of this ~~Chapter Title~~.

1 (5) Tackle, seines and other nets, trawls, tongs, dredges, and other equipment
2 and devices used in taking of fish, shrimp, oysters, or other aquatic life contrary to
3 the provisions of this ~~Chapter~~ Title.

4 (6) Oysters, shrimp, and hides and pelts of fur bearing animals and nongame
5 quadrupeds which are subject to a tax imposed by this ~~Chapter~~ Title and on which
6 the tax has not been paid or which are taken contrary to the provisions of this
7 ~~Chapter~~ Title.

8 (7) Tackle, dredges, and scrapers which are possessed or operated in an
9 illegal manner or which are required by the provisions of this Title to be licensed or
10 tagged and which are not so licensed or tagged or which are improperly tagged or
11 which are taken contrary to the provisions of this Title.

12 (8) Tackle of any type or description, including without limitation such gear
13 listed in R.S. 56:302, 302.5, or 305, which is used by a fisherman to take shrimp,
14 oysters, fish, or other seafood for sale without possessing a commercial fisherman's
15 license.

16 B. Any live animal which is illegal to possess or which may be possessed
17 only by permit or license from the department may be voluntarily surrendered to the
18 department without penalty. The person surrendering the animal shall be
19 indemnified from prosecution for illegally possessing or possessing without a permit
20 or license provided the surrendering of the animal is initiated prior to any
21 independent investigation or contact by any public employee operating in their
22 official capacity. The department may dispose of a surrendered animal in any
23 manner the department deems appropriate.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Austin Badon

HB No. 1255

Abstract: Authorizes the surrender to the Dept. of Wildlife and Fisheries of any animal illegally possessed under permit or license of the department.

Proposed law authorizes the surrender to the Dept. of Wildlife and Fisheries of any live animal possessed illegally or which may be possessed only by permit or license from the department. Indemnifies the person from prosecution for illegally possessing or possessing without a permit or license provided the surrender is initiated prior to any independent investigation or contact by any public employee operating in their official capacity. Authorizes the department to dispose of a surrendered animal in any manner deemed appropriate.

Present law authorized the department to seize wild birds and wild quadrupeds possessed, transported, sold, offered for sale, or purchased contrary to law. Proposed law expands this authorization to any animal.

(Amends R.S. 56:56)