

SECOND REGULAR SESSION

HOUSE BILL NO. 862

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOLAND (Sponsor),
HAMPTON AND DAVIS (122) (Co-sponsors).

Pre-filed December 15, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3359L.011

AN ACT

To repeal section 252.043, RSMo, and to enact in lieu thereof two new sections relating to illegal deer harvest, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 252.043, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 252.038 and 252.043, to read as follows:

252.038. 1. In addition to the penalties provided in section 252.040, any person convicted of taking, killing, possessing, or disposing of a deer with the intent to sell any part of such deer in violation of methods, seasons, and limits as defined and permitted by commission rules and regulations, shall be required to provide restitution to the state in an amount as follows:

(1) For each antlered deer with a certified Boone & Crockett gross score of at least one hundred points and not more than one hundred twenty-five points, one thousand five hundred dollars;

(2) For each antlered deer with a certified Boone & Crockett gross score of at least one hundred twenty-five points and not more than one hundred fifty points, three thousand dollars;

(3) For each antlered deer with a certified Boone & Crockett gross score of at least one hundred fifty points and not more than one hundred seventy points, five thousand five hundred dollars;

(4) For each antlered deer with a certified Boone & Crockett gross score of one hundred seventy points or more, seven thousand five hundred dollars.

2. Moneys collected pursuant to this section shall be deposited in the state treasury to the credit of the conservation commission pursuant to section 252.050.

19 **3. Moneys collected pursuant to this section shall be considered as restitution to the**
20 **citizens of the state and shall not be considered penalties, forfeitures, or fines for the**
21 **purposes of article IX, section 7, Constitution of Missouri.**

22 **4. The commission may allocate up to twenty-five percent of the moneys collected**
23 **pursuant to this section for grants to promote antipoaching activities.**

24 **5. A resident landowner, as defined by the commission, shall not be required to**
25 **provide restitution to the state pursuant to this section for the taking, killing, possessing,**
26 **or disposing of a deer in violation of commission rules and regulations on such landowner's**
27 **property, provided that no part of such deer is removed from such property.**

 252.043. 1. The commission may suspend, revoke or deny a hunting permit or privilege
2 for a maximum of five years when a person, while hunting, inflicts injury by firearm or other
3 weapon to another person who is mistaken for game. No suspension, revocation or denial shall
4 occur until an opportunity has been afforded for a hearing before the commission. Any person
5 who is determined by the commission to have inflicted injury by firearm or other weapon shall
6 be required to successfully complete a department-approved hunter safety course before his or
7 her hunting permit or privilege shall be restored. The commission's proceeding shall be a
8 contested case pursuant to chapter 536, RSMo, and any person aggrieved by a final decision shall
9 be entitled to judicial review as provided in chapter 536, RSMo.

10 **2. If any person fails to appear at a hearing or fails to pay a fine imposed for any**
11 **violation of section 252.040, the court shall notify the commission of such person's actions**
12 **for the commission's consideration of the suspension, revocation, or denial of such person's**
13 **permit or privilege to pursue, take, kill, possess, or dispose of wildlife.**