

April 1983

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JOINT BOARD POLICY REGARDING LIABILITY
FOR VIOLATIONS OF FISH AND GAME REGULATIONS

The Joint Board of Fisheries and Game make the following findings regarding violations of Fish and Game regulations:

1. In order to provide sound fish and game management in the best public interest, and to protect the sustained yield of the State's living natural resources, the Boards carefully develop regulations setting seasons, bag limits, areas, and other restrictions on the take of fish and game.
2. Fish and game regulations protect a public resource; a violation of the regulations is a violation against the public welfare. The Boards' regulations are necessary to protect and manage the resource, and adequate enforcement of these regulations is essential. The effectiveness of fish and game regulations depends largely on voluntary compliance by the public, because violations often occur in remote areas of the State where they are not easy to detect, and because there are often no witnesses.
3. Compliance with fish and game regulations can best be assured by requiring a high standard of care by the public. Because it is often difficult or impossible to prove whether a person intended to commit a hunting or fishing violation, the high degree of care standard can only be assured by holding the violator strictly liable for most offenses. For example, a fisherman who takes fish in closed waters, or a hunter who shoots an over-limit of caribou, or a hunter who shoots a cub bear instead of an adult, should not be able to avoid liability for the violation because the fisherman claims he was asleep, or that the wind blew him into closed waters, or because the hunter claims he did not realize he had hit a second or third animal, or did not realize the bear was a cub. To allow these defenses will greatly hamper effective enforcement of our fish and game regulations, and will not insure the highest standard of care. A sentencing court, of course, takes into account any mitigating factors in determining the appropriate punishment.
4. Where criminal intent or negligence should be a part of a fish and game violation, the regulation will so specify. In the absence of such a provision in the regulation, including emergency orders, it is our intent that a person be held strictly liable for offenses of fish and game regulations. This has been the Boards' position in the past, and continues to be our policy today.


John Shively, Chairman
Joint Board of Fisheries and Game

Date: 4/28/83