

PA12-084

HB5263

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 5
1399 – 1742**

2012

controlled herd here, you know exactly what you have.

REP. ROY: Thank you. Just one quick question. When you say a small herd, what sort of number are we talking about, do we know?

REP. AMAN: I would think that -- and again, there are people testifying. They are a herd animal. I would think you're talking in the three to six range that somebody would want. They're not an inexpensive animal to keep or to maintain. So you're not looking at something that people are going to want.

The owners also likely to get them in when they're very, very small -- few days old and start handling them just like you do a puppy so that they are very used to people, they're halter trained, they become a pet. And so you're not going to just see big herds of these -- I don't think by any standards, and if the Department of Agriculture says that they want to limit it to you may not keep more than a certain number of deer, I don't think that my constituent would be upset about that at all.

REP. ROY: Thank you. Any other questions or comments, from members of the committee? Seeing none, thank you, sir.

REP. AMAN: Thank you very much for having me.

REP. ROY: Representative Michael Alberts.

JACKSON SCHIPKE: Hi, my name is Jackson Schipke. I'm an intern at the House Republican Office and I'm testifying today on behalf of Representative Alberts.

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Good morning Chairman Meyer, Chairman Roy and

Ranking Member Chapin, and all the distinguished members of the Environment Committee.

I'm surely appreciative that you've chosen to raise this concept for Public Hearing. I'm testifying in support of House Bill 5263 AN ACT INCREASING THE PENALTY FOR POACHING.

Under current law most hunters who trespass and hunt on property where hunting is prohibited are subject to fines that have not been updated for nearly half a century. My hope is that stricter fines for illegal poaching will increase awareness amongst hunters who may mistakenly trespass on protected land, and act as a deterrent to those who would knowingly trespass and poach.

There are legitimate reasons that some land is not legally available for hunting. In a specific incident from my district a hunter shot at deer from his property. The direction in which he was discharging his weapon happened to back up to land owned by the local Audobon Society, where hunting was prohibited. Additionally, there were hiking trails that crossed directly in front of this hunter's line of fire.

This particular hunter did not have -- or did happen to kill three deer, all of which were on Audobon land when they were shot. The hunter was charged with illegally hunting deer, but was fined only 100 -- a token fee of \$100.00, a slap on the wrist.

By increasing the fines for this sort of careless action, this legislation would help prevent similar situations in the future and ensure the safety of those who enjoy the land for recreational use.

House Bill 5263 is good Legislation that seeks to protect property rights, and also the image of sportsmen in this state. Though the vast majority of hunters are responsible and law abiding, the current fine levels provide little incentive for those who are not to obey hunting or no trespassing signs. Higher fines will increase awareness and deter would be poachers from acting on their impulses.

I urge the committee to vote this worthwhile Legislation out of the committee.

REP. ROY: Thank you. Any questions or comments, from members of the committee? Senator Meyer.

SENATOR MEYER: You know -- you know the -- the bill as it's written is a -- is a mandatory \$1,000.00 fine. Very often we -- we that -- that the court can impose a fine of up to \$1,000.00 -- up to whatever. We have -- sentences of imprisonment up to a certain number of years. That -- that discretion with the judge is often very significant to avoid, you know, weird situations. And have you -- have you considered, or has the Representative considered, whether or not you really want to have a -- a mandated \$1,000.00 fine in which the court has no discretion to take into account some other circumstances?

JACKSON SCHIPKE: I'm -- I'm sure the Representative would certainly be considerate -- considered that discretion of the judge. I know that he's mainly concerned with the fact that the fines have been at a low level -- or the maximum fine, perhaps, has been at a low level for a number of years.

I'm -- I'm not sure about the actual current highest fine that can be received, but he was

interested in raising that level. I -- I believe he would be open to that -- open to the discretion of the judge, but I can certainly speak to him about that and get back to you all.

REP. ROY: Thank you. Any other questions or comments from members of the committee? Seeing none, thank you very much.

JACKSON SCHIPKE: Thank you.

REP. ROY: Senator Bye. Okay. We'll come back to Senator Bye. Susan Frechette, from the Department of Energy and Environmental Protection.

DEPUTY COMMISSIONER SUSAN FRECHETTE: Good morning members of the committee, Chairman Roy, Chairman Meyer. My name is Susan Frechette; I'm the Deputy Commissioner of Environmental Conservation for the Department of Energy and Environmental Conservation. And I'm here today to testify on Raised Bill Senate 83 AN ACT AUTHORIZING BOW AND ARROW HUNTING ON SUNDAY UNDER CERTAIN CIRCUMSTANCES.

The Department has -- has submitted this raised bill to allow hunting on non-state lands as a white-tailed deer population control measure. We have certain -- certainly -- certain areas of the state current deer density calculations that are extremely high and we've adopted a number of measures to control the deer population, but still the deer density populations are extremely high in certain areas.

So we would like to raise this bill similar to a bill that was raised by the General Assembly last year to allow non-state landowners, by permission only, to hunt white-tailed deer on

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comments from members of the committee? Then I'll end it by saying that I think the most successful hunters in Fairfield County use BMW's on the Merritt Parkway. Mr. Kilpatrick, will you please report to the clerk's desk.

DEPUTY COMMISSIONER SUSAN FRECHETTE: To that end Mr. Chairman, if you're interested, the 2010 Vehicle Collision's statistics for deer according to the State Farm Insurance, about 7,500 deer/vehicle collisions in Connecticut cost Connecticut drivers \$23.7 million.

REP. ROY: Wow.

DEPUTY COMMISSIONER SUSAN FRECHETTE: So.

REP. ROY: Thank you. Okay. Is Senator Bye here? Not yet. Okay. We now go to the public portion and we'll alternate within the Legislators who wander in. Dr. Nan Zyla and she'll be followed by Bob Crook.

NAN ZYLA: Thank you, Mr. Chairman. I'm here to testify in opposition to Senate Bill 83, and also House Bill Number 5261.

I oppose Senate Bill 83 AN ACT AUTHORIZING BOW AND ARROW HUNTING ON SUNDAY UNDER CERTAIN CIRCUMSTANCES. My objections to this bill are as follows.

The stated purpose of this bill is to, "Help control the states deer population." There is no scientific underpinning of -- of this bill that would reveal deer population numbers or specific locations. What are the numbers that indicate a determination that deer are "over populated?"

Since the state has no scientific method for counting deer, where precisely does this

situación exist? According to Howard Kilpatrick, they are concentrating on Fairfield County, but this is a generalized statewide extension proposed of deer hunting that -- how would this coincide with the non-specific effort to control the population.

In Section One of the bill, it is not specified that bow and arrow hunting would be of deer exclusively. There's no mention of deer. So would all other species be at risk to be hunted with bows and arrows on Sunday? If so, how would this address the bill's stated purpose of helping control the state's deer population?

I believe that has to be looked into in Section One.

I want to point out that the majority -- 97 to 98 percent of Connecticut's population does not hunt. And all citizens in the state, "Own their resources, including the wildlife." Hunting is currently allowed six days a week. Families and individuals who choose to enjoy the outdoors and hike or walk or photograph nature can only do this one day a week without fearing being accidentally shot by a hunter.

Hunting with bows and arrows is considered the most inhumane and least effective of all forms of hunting. Numerous studies conducted by state wild life agencies, such as those in Texas and Maryland have concluded that 50 percent of deer struck by arrows are wounded and not retrieved by hunters.

Wounded deer fleeing from hunters can unpredictively impact locations far from the original hunting site the deer are fleeing from where they have been shot. And this also can create dangerous traffic hazards.

SENATOR MEYER: -- unless -- I think the bill needs to be amended.

But on the bigger -- on the bigger issue of -- of hunting, yet the implication of your testimony is that -- is that you would like to prohibit hunting in Connecticut or at least bow and arrow hunting; is that -- is that a fair conclusion of your position? In other words, it's not a matter of just Sunday, it's a matter of any -- any day of the week?

NAN ZYLA: Well, there's so many arguments against this bill. Sunday hunting, bow and arrow hunting is extremely inhumane and ineffective. It causes situations that are unpredictable. If deer are running through areas they -- where they weren't shot, people are going to see this, they're going to run into places that they aren't intended to be. They're going to run into traffic, causing more hazards for people. So there are any number of reasons, but bow and arrow is considered the least effective and least human method of hunting.

REP. ROY: Thank you, any other questions or comments members of the committee?
(Inaudible) Zyla, thank you very much.

NAN ZYLA: Thank you.

REP. ROY: Bob Crook followed by Davis Martin.

BOB CROOK: Senator Meyer, Representative Roy, HB 5261 HB 5263
members of the committee, my name is Bob HB 5304
Crook; I'm Executive Director of the Coalition
of Connecticut Sportsman. I've got four bills
to testify on.

I am not going to testify essentially on bow

and arrow hunting on Sunday. I think we have enough members here to fill you in. I would be more than glad to answer questions that have been raised from my perspective.

The other -- the other bill -- another Bill is 5261 AN ACT CONCERNING THE HUNTING OF DEER WITH A PISTOL. After passage of the original act in 2010 we've had no accidents -- no problems, including single-shot pistols in the statute will have no negative effect concerning safety, have a positive effect in terms of DEEP revenue -- revenue to the state in terms of handgun and ammunition sales and broader firearms selection amongst deer hunters.

Now, concerning poaching -- penalty for poaching, 5263 this bill has language in it that we have submitted substitute language to protect fishermen. And also the bill singles out sportsmen for special treatment with no definitive reason. They have a penalty for simple trespass -- criminal trespass and they have another special fine for hunters, fishermen, and trappers.

We agree that persons on land particularly for hunting and trapping without permission are probably poachers, but they -- if they haven't legally taken wildlife, they're just trespassers. And in other committees we have a bill on -- on poaching. In fact there's three penalty bills this year, and there's one in Judiciary, one here, and one in Public Safety, all dealing with misdemeanors, and all dealing with outdoor sports. I have put that down at the bottom of my -- of my testimony.

Charitable contributions paid in lieu of fines for hunting and fishing violations 5304. This is called the Tip Program. We initiated this

program over 20 years ago. In 1997 Judiciary changed the rules and said that all contributions in lieu of fines or penalties done by a prosecutor would go under Victim's compensation Fund.

Before, that Tip Program was receiving monies particularly on conservation law violations from the prosecutors, so it was funding the Tip Program. Tip Program is a reward program for people turning in illegal activity for outdoor sportsmen.

Secondly, they run a trailer at the fairs, and you may have seen the trailer at the fairs. Tip paid for that, plus all the mounts in the trail, plus all the information from public relations from DEEP in kind officers. So we support that.

And that's -- that's about all my -- by the way, all my testimony I've turned in a -- a turn in poachers tip program done by all our research that will give you more information. That concludes my testimony. I would be more than glad to answer questions.

REP. ROY: Thank you. Any questions for Bob Crook? Senator Meyer.

SENATOR MEYER: Bob, you mentioned that you have some substitute language with respect to fishing?

BOB CROOK: Yes.

SENATOR MEYER: What's the substance of that?

BOB CROOK: Well, it's -- it -- the -- the current law indicates that you're trespassing if you don't have -- under hunting -- hunting and trapping -- if you don't have written

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permission, now, fishermen don't -- don't -- don't have to have written permission to get onto fishing waters.

If they're in a boat, let's say, and we have riparian laws which I'm sure you're aware of. Fishermen don't research where -- who owns what land under the water. We've had problems with the bass fishermen casting underneath the docks, because the landowner thinks he owns the dock, and maybe he does -- maybe he has riparian rights to that dock. They kicked the fisherman out.

We don't want a \$1,000.00 fine for a fisherman fishing under a dock. And I -- I would -- I would concur with your -- with your statement that we want severe penalties for poachers, but up to \$1,000.00 fine assuming the courts use that properly and not -- not cut it down to \$100.00 fine, which has been done in most conservation law cases. We would -- we would approve your -- your suggestion.

SENATOR MEYER: Okay. Back -- back to the fishing, we've had a recent shell fishing case in Connecticut where it is alleged that a shell fisherman went into the territory to which another shell fisherman had the rights. And it's led to, you know, some serious allegations and a lot of upset.

Is the language that you're proposing, would that affect that kind of situation?

BOB CROOK: No. No, it would not. What -- what my section says is, "All fishing in violation of subsection three," and subsection three -- subsection three says, "Such persons enters or remains on public land, which is posted in a manner prescribed by law or reasonably likely to come to the attention of intruders is

fenced or otherwise enclosed in a manner designed to exclude intruders." And I think all the shellfish beds are marked. So that would -- that would not affect shell fishermen.

REP. ROY: Any other questions or comments from members of the committee? If not, Bob, thank you very much.

BOB CROOK: Thank you.

REP. ROY: Next speaker is Davis Martin followed by Todd Berch.

DAVIS MARTIN: Good afternoon, Senator Meyer, Representative Roy and members of the committee. Thank you for the opportunity to speak to you today. My name is Davis Martin. I'm from Meriden, Connecticut. I'm here today to talk about Senate Bill 83 AN ACT AUTHORIZING BOW AND ARROW HUNTING UNDER CERTAIN CIRCUMSTANCES.

I'm an avid sportsman. I grew up in the state of New Hampshire, where Sunday hunting has been allowed as long as I can recall. I started hunting on the weekends in my preteens with my father, and other avid sportsmen.

I moved to Connecticut in the early '90's and it took me years before I was -- got comfortable with numerous environmental laws and restrictions to hunting fish in this state.

Hunting is greatly restricted to working individuals, such as myself. If I work a normal Monday through Friday, 9:00 to 5:00 job, that leaves me only one Saturday to hunt during the state land lottery A shotgun season. If I do not get A season, which is a

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Today families go together and see the fields of beautiful Christmas trees they have been able to see reindeer in the past and enjoyed the closeness of nature at its best. The quality of this farming operation cannot be minimized. The value of its jobs and contributions to the state's economy is of equal importance.

Over the years South Windsor's Dzen Tree Farm has been honored by the Governor's presence in the selection of that special Christmas tree for our state. Treasured, life long memories are born here, in South Windsor. Reindeer become a special connection for children and their families as they spend time together in the selection of their holiday tree.

Thank you for your time and consideration for HB Number 5258.

REP. ROY: Thank you, John. Any comments or questions from members of the committee?

JOHN MITHCELL: Thank you.

REP. ROY: Seeing none, thank you very much. Now, we will go on to poaching if Andy Rzeknikiewicz is here. How close did I come?

ANDY RZEZNIKIEWICZ: You did very well.

REP. ROY: Thank you.

ANDY RZEZNIKIEWICZ: It's pronounced Rzeknikiewicz. I'm here in favor to testify the Act increasing the penalty for poaching. I'm here as a concerned citizen in the state of Connecticut and as a representative of the Connecticut Audubon Society.

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The Connecticut Audubon Society is an independent statewide organization with over 10,000 members. Our mission is to conserve Connecticut's environment through science based education and advocacy focused on the state's bird populations and the habitats. We have offices throughout the state in Pomfret, Glastonbury, Milford, and Fairfield.

It is very important for your support of this bill. Right now anyone caught poaching or committing most hunting violations may only be fined a mere \$100.00. That is nothing when you consider what goes into catching one of these violators.

It is very difficult to catch someone in the act of poaching and quite time consuming. And our state conservation officers are -- work very hard to catch these violators. In the end they are often deflated when these guys get off on such small fines.

These violators need to feel the pinch of a real penalty in order to make them think twice about stealing from our fields and forests. The only people who would be against such an increase in these fines are the very people who would poach our wildlife.

This bill, I imagine, would be supported by both Democrats and Republicans alike. It also would increase the revenue to the state with the money only coming from criminals.

The honest hunters out here there that I have talked to are very supportive of increasing the fines of poaching. Many wildlife violations go unreported because the current fines are too small. I think increasing the fines will boost the morale of our state conservation officers who deal with people who

have guns every day.

I have personally caught and reported many people poaching our sanctuary in Pomfret. In the end, these people got a small slap on the hand and faced virtually no consequences for their actions.

Here is the reason I ask Senator Tony Guglielmo and State Rep. Mike Alberts to create a bill increasing the fines for poaching. In late December 2010 after the deer season was finished, I found when a rebutter to the sanctuary had been baiting deer on our sanctuary and shooting them from his house. He has shot and killed three deer and injured a fourth that particular day.

Judging by what I had saw there -- this wasn't his first time that year. When the conservation officer approached him at his house, he readily admitted guilt. He was only fined with \$100.00 and got his gun back.

What I failed to mention was just beyond where he was shooting the deer we have a public hiking trail. Someone could have been hurt. The poacher asked the conservation officer if it was the woman he had just observed walking her dog five minutes before that that reported him. That's how close we're to a potential accident. After I got all the details of what happened I said that something has to be done, and that's why we're here today talking about this issue.

Earlier when Senator -- Representative Albers aide discussed this issue -- the issue was talked about the fines -- about why was it mandatory \$1,000.00 fine and you thought we should up it to \$1,000.00. Well, a big problem is judge's discretions. They -- they

find wildlife violations minor and not important and these -- these criminals often get the minor penalty just get this out my way, \$100.00 let's just brush it aside.

I have talked to conservation officers. I've said look, this is what I'm going to try to do. They say, it's great, but the problem is the judges -- the judicial. They're not -- they don't want to listen. That's why (inaudible) offense \$1,000.00, you need something (inaudible) teeth. Pennsylvania just passed a law to increase their fines much harsher than that.

REP. ROY: Thank you. Any questions or comments?
Representative Miner.

REP. PISCOPO: Thank you, Mr. Chairman. As an individual who participates in hunting and fishing regularly I am as concerned as you are about illegal activity. One of the things that I've noticed is that these illusions to fines aren't really fines at all. Do you know whether the judge allowed the individual to make a contribution to the victim's advocacy fund in exchange for not actually pursuing the case, in which case he got his gun back?

ANDY RZEZNIKIEWICZ: No, it was just \$100.00 fine and I don't know exactly how -- to get information on what happens in these cases is pulling teeth, either write a letter -- even though I'm the one who reported it, found all the evidence, I had to write a letter to the Freedom of Information Act to the head of the DEP to find out what happened and that's what set this whole chain in motion.

REP. MINER: Well, the reason why I asked the question is, in more cases than not, I think what occurs is that the judge takes an action

that doesn't require some of the administrative actions that might occur. So if the final decision of the court was to actually prosecute in all likelihood there would be some administrative action that the agency could take, such as loss of license, loss of weapon, loss of car.

I mean, when you follow the trail of both the statute and the regulation I think the agency has a lot of teeth that they don't get to use because the courts don't initiate. Okay. And if we increase the penalty, I'm not saying \$100.00 is the right number, in fact, I sponsored a bill, I think it was a couple of years ago, it increased the fine for illegally taking a moose or a bear, we went from, like, \$100.00 to \$500.00 because I felt the same way.

My fear is that that fine will never be levied. That sentence will never be adhered to. The gun will never be lost. The vehicle will never be forfeited. Do you think that is a concern that I should bother myself about?

ANDY RZEZNIKIEWICZ: I -- I, you know, I just -- I don't know. I mean, I worry about -- I mean -- I'm just this regular guy who's trying to figure out how to do -- make a change, you know.

REP. MINER: And that was my line before.

ANDY RZEZNIKIEWICZ: I mean, I don't know. I hunt and I fish and I see things happen -- one thing I can do maybe try to make difference. And you can only hope that --

REP. MINER: And I think sportsmen want to work with people like you because I -- I think generally we are absolutely in the same camp.

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We don't like trespass. We don't like people who violate the law. I mean, they're reported, it's terrible when people violate the environment, but I got to tell you, I've had a bill before this committee -- this is the second year now to take, you know, in the cases where a judge may say I don't want to try this case, if you'll make a \$200.00 contribution to the TIPS program, which is turn in poachers, it goes nowhere in this Legislature and therefore we don't build a case against some of the more important crimes.

So I would -- I would ask you to work with Bob Crooke and a couple of others, not to stay that this isn't good Legislation, but there's a -- there's an awful lot that's available to us that we never get to make use of just because I think we set the fine too high and the court says nobody got killed, nobody got hurt, get out of here. So I share your frustration, I'm just not sure this is how we fix it.

ANDY RZEZNIKIEWICZ: I think we get the number from what we saw Pennsylvania came up with and that was less harsh. I mean, they had to lose their right to hunt, lose their weapon, any vehicle involved and this is actually less. I mean, I liked to have it all, on there as well, but --

REP. MINER: I'd be happy to work with you. Thank you. Thank you, Mr. Chairman.

REP. ROY: Thank you. Any other comments or questions from members of the committee? Thank you very much.

ANDY RZEZNIKIEWICZ: Thank you for your time.

REP. ROY: (Inaudible) forward and move onto Senate

**JOINT
STANDING
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HEARINGS**

**ENVIRONMENT
PART 6
1743 – 2084**

2012



NORTHWEST CT SPORTSMAN'S COUNCIL

3 BARE HILL ROAD,
GOSHEN, CT 06756
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March 7, 2012

Connecticut Legislature
Environment Committee

HB5304
HB5263

Re: March 7, 2012 Environment Public Hearing

Members of the Environment Committee:

I am submitting testimony today on behalf of the Northwest CT Sportsman's Council. The Council is a coalition of sportsmen's clubs and organizations with a combined membership of 6,000 plus citizens of CT. I serve as Secretary on the Council and have been authorized by our delegates to address the Environment Committee's Public Hearing.

Our Council supports the following bills now under review:

S.B. No. 83 An Act Authorizing Bow And Hunting On Sunday Under Certain Circumstances.

It is our understanding that this is a DEEP sponsored proposal which will allow the Commissioner of DEEP the authority to open certain parcels of private land to Sunday Archery Hunting based on management needs.

We support this proposal from the standpoint that it allows for scientific deer management, while at the same time addressing the need of many sportsmen who work six days a week the opportunity to enjoy their sport on the only day available to them to recreate.

Further, this proposal will provide substantial revenue to DEEP, which Agency we feel is currently underfunded. And, it respects the rights of private landowners to choose how their property will be utilized by the public.

H.B. No. 5261 An Act Concerning The Hunting Of Deer With A Pistol.

We strongly support the concept of hunting deer on private land utilizing a revolver or single-shot handgun. We testified before this committee in 2010 on a similar proposal; but apparently, confusion with the language resulted in only the revolver gaining acceptance. We now have had two years of handgun deer hunting in CT, without incident, and would ask that single shot handguns be added to the statutorily allowed implements for use.

We feel that by its very nature, a single shot firearm is the safest implement of any available to sportsmen. Our support is derived from the fact that many of our CT sportsmen own single shot handguns and want to use them for hunting, which is the primary intended use of such firearms. Most, if not all single shot handguns in use are of a break open design, which exposes the firing chamber to open view for safe carrying. Further, most single shots are designed to accept a sling attachment, which would allow for safe use in elevated stands; such as tree stands, which is the preferred method of hunting deer with a handgun. As with the revolver, the range of a single shot is fairly short, and the cartridge velocities are generally much lower than that of a rifle or shotgun.

The inclusion of single shot handguns will surely result in increased revenue to DEEP.

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H.B. No.5304 An Act Concerning Charitable contributions Paid In Lieu Of Fines For Hunting And fishing Violations.

We support this bill for its obvious beneficial effects in reducing poaching by involving the public in the Turn-In-Poachers program. Less well known is the fact that these funds have also been utilized to support and maintain the two DEEP TIP trailers, which provide the best public contact and educational efforts of DEEP law enforcement. The TIP trailer program currently is suffering from a lack of revenue to update and maintain the trailers. Passage of 5304 would help alleviate this concern. We would also point out that with the Governor's budget recommendation to reduce funding for the lobster program, the additional revenue from marine settlements would help maintain that program.

Our Council opposes the following bill:

H B. No. 5263 An Act Increasing The Penalty For Poaching

We respectfully oppose this bill on the grounds that it does not appear to address actual poaching at all. It seems to be concerned more with trespass, which appears currently to have adequate penalties, if applied. Further; it seems that an innocent or mistaken trespass could be dealt with just as severely as a willful violation. Making the distinction between the two would be difficult and arbitrary at best.

I would like to thank the Committee for considering my testimony.

Respectfully Submitted

Chris M. Marino
Secretary: NWCSC



**THE HUMANE SOCIETY
OF THE UNITED STATES**

IN SUPPORT OF HB 5263 - AAC POACHING

Testimony by: Laura Simon, Field Director, Urban Wildlife Program
Annie Hornish, Connecticut State Director
Committee: Joint Committee on the Environment
Date: March 6, 2012

Dear Honorable Members of the Environment Committee,

The Humane Society of the United States urges your support of HB 5263 which would create a minimum \$1,000 fine for illegal trespass while hunting, trapping, or fishing and upgrade the crime from a Class C misdemeanor to a Class B misdemeanor.

Poaching is a broad term that can encompass a variety of crimes from hunting out of season, to killing over the legal limit, to illegally commercializing wildlife. This particular legislation deals exclusively with hunting, fishing, or trapping illegally on closed land—in other words, private land where the individual does not have permission to engage in hunting, trapping, or fishing. Wildlife officials estimate that tens of millions of animals are poached annually in the US alone.

Poaching is an huge problem, not only based on the immense number of animals killed illegally, but also because far more often than not, poaching activity remains undetected and poachers go unpunished for their crimes. In fact, it is estimated that a mere one to five percent of poachers are ever caught by law enforcement. Poachers exploit wildlife and callously disregard the laws that protect it. They are the enemy of both animal protection advocates and lawful hunters.

Through our anti-poaching program, The Humane Society of the United States' staff has the great benefit of regularly communicating with wildlife law enforcement around the country and learning from those on the front lines of the effort to combat poaching. These hardworking officers from every corner of the nation frequently tell us that poachers are rarely, if ever, committing their crimes to feed their families. These wildlife officials note that these violators often have expensive weapons and trucks; for many poachers, a small monetary fine is simply the cost of doing business.

The battle to get poaching under control requires penalties, including the threat of jail time and the loss of license, that deter these crimes before they happen. Poachers who know that they face serious penalties will think twice before hunting illegally

For these reasons, we feel that a comprehensive effort to upgrade Connecticut's poaching penalties is warranted. This bill is an excellent start, but it only narrowly addresses one form of poaching. This legislation would be a good model to apply to other poaching crimes. Under current law, the penalty for most poaching crimes, including killing big game out of season, exceeding the legal bag limit, and commercial poaching is a maximum fine of \$200 and up to 60 days in jail. These weak penalties do little to deter poaching crimes and are among the weakest in the nation.

The proposed legislation is a good first step toward bringing Connecticut in line with the rest of the country. We encourage the committee to adopt it and to consider future legislation to address the remaining weaknesses in our anti-poaching laws.

COALITION OF CONNECTICUT SPORTSMEN

P.O. Box 2506, Hartford, CT 06146, (203) 245-8076
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HB 5145
SB 336

Testimony presented to the ENVIRONMENT COMMITTEE

IN OPPOSITION to H.B. No. 5263 (RAISED) AN ACT INCREASING THE PENALTY FOR POACHING.

by Robert T. Crook, Director
 7, 2012

March

While we support increased penalties for poaching wildlife, we have serious concerns concerning language in Sec. (a) (2) although it is current law. While written permission is required for hunting and trapping to enter on any premises (see below), none is required for fishing unless posted, etc. found in subsection (3). Concerning fishing, we have concerns about riparian rights, fishing under docks, and other issues which may not be readily apparent to fishermen.

(Sec. 26-86a Deer may be so **hunted** at such times and in such areas of such state-owned land as are designated by the Commissioner of Energy and Environmental Protection and on privately owned land with the signed consent of the landowner, on forms furnished by the department, and such signed consent shall be carried by any person when so hunting on private land. --- Sec.26-72 No person shall set, place or attend any **trap** upon the land of another without having in such person's possession the written permission of the owner or lessee of such land, or such owner's or lessee's agent,)

A substitute to this bill might read (2) such person enters or remains in any premises for the purpose of hunting and [,] trapping unless granted written permission by the landowner, lessee, or agent of the landowner or fishing in violation of subsection (3); or

...

This bill also singles out sportsmen for special treatment with no definitive reason! While we agree that persons who are on lands particularly for hunting and trapping are probably poachers - if they have not illegally taken wildlife they are just trespassers. Sec 1 (b) raises the hunting, trapping, fishing penalty contrary to all other trespasses: "(b) Criminal trespass in the third degree is a class C misdemeanor, "except that any person found guilty under subdivision (2) of subsection (a) of this section shall be guilty of a class B misdemeanor and fined one thousand dollars "

We urge rejection of Subsection (b).

There are other bills updating fines for illegal activities concerning sportsmen's issues:

I would like to testify on H B. No 5263 An Act Increasing the Penalty for Poaching

I am here as citizen of the State of Ct and as a representative of the Connecticut Audubon Society. The Ct Audubon Society is an independant statewide organization with over 10,000 members. Our mission is to conserve Connecticut's environment through science-based education and advocacy focused on the State's bird populations and their habitats. We have offices throughout the state in Pomfret, Glastonbury, Millford, and Fairfield. It is very important for your support of this Bill. Right now any one caught poaching or committing most hunting violations may only be fined a mere \$100. That is nothing when you consider what goes into catching one of these violators. It is very difficult to catch someone in the act of poaching and quite time consuming, and our state conservation officers work very hard to catch these violators and in the end are often deflated when these guys get off on such small fines. These violators need to feel the pinch of a real penalty, in order to make them think twice about stealing from our fields and forests. The only people who would be against such an increase in the fines would be the very people who would poach our wildlife. This Bill I imagine would be supported by Democrats and Republicans alike. It also increases the revenue to the State, with the money only coming from criminals. The honest hunters out there that I have talked to are very supportive of increasing the fines for poaching. Many wildlife violations go unreported because the current fines are so small. I think increasing the fines will boost the moral of our state conservation officers, who deal with people who have guns every day. I have personally caught and reported many people poaching on our sanctuary in Pomfret. In the end, these people get a little slap on the hand and face virtually no consequences for their actions. Here is the reason I asked Sen Tony Guglielmo and State Rep. Mike Alberts to create a bill increasing the fines for poaching. In late December of 2010 after deer season was finished. I found where an abutter to the sanctuary had been baiting deer on our sanctuary and shooting them from his house. He had shot and killed three deer and injured a fourth that particular day. Judging by what I saw there this wasn't his first time that year. When the conservation officer approached him at his house he readily admitted guilt. He was only fined \$100 and he got his gun back! What I failed to mention was that just beyond where he was shooting the deer we have a public hiking trail. Someone could have been hurt! The poacher asked the conservation officer if it was the women walking her dog 5 minutes after he shot the deer if she reported him. Thats how close we were to a potential injury. After I got all the details of what happened I said something has to be done, that is why we are here today talking about this issue. Thanks for your time and please support this Bill.

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State of Connecticut

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**RANKING MEMBER
BANKS COMMITTEE**

**MEMBER
HIGHER EDUCATION AND
EMPLOYMENT ADVANCEMENT COMMITTEE
INSURANCE AND REAL ESTATE COMMITTEE**

WEDNESDAY, MARCH 7, 2012

ENVIRONMENT COMMITTEE

PUBLIC HEARING TESTIMONY

IN SUPPORT OF

HOUSE BILL 5263,

“AN ACT INCREASING THE PENALTY FOR POACHING.”

Good Morning Chairman Meyer, Chairman Roy, Ranking Member Roraback, Ranking Member Chapin, and the Honorable Members of the Environment Committee, I am State Representative Mike Alberts of Woodstock. I am truly appreciative that you have chosen to raise this concept for Public Hearing.

Under current law, those hunters who trespass and hunt on property where hunting is prohibited are subject to fines that have not been updated for nearly half a century. My hope is that stricter fines for illegal poaching will increase awareness amongst hunters who may mistakenly trespass on protected land, and act as a deterrent to those who would knowingly trespass and poach.

There are legitimate reasons that some land is not legally available for hunting. In a specific incident from my district, a hunter shot at deer from his property. The direction in which he was discharging his weapon happened to back up to land owned by the local Audubon Society where hunting was prohibited. Additionally, there were hiking trails that crossed directly in front of this hunter's line of fire. This particular hunter did happen to kill three deer, all of which were on Audubon land when they were shot. The hunter was charged with illegally hunting deer, but was fined only a token fee of \$100; a slap on the wrist. By increasing fines for this sort of careless action this legislation would help prevent similar situations in the future and ensure the safety of those who enjoy the land for recreational uses.

H.B. 5263 is good legislation that seeks to protect property rights and also the image of sportsmen in this state. Though the vast majority of hunters are responsible and law abiding, the current fine levels provide little incentive for those who are not to obey “no hunting” or “no trespassing” signs. Higher fines will increase awareness and deter would-be poachers from acting on their impulses. I urge the committee to vote this worthwhile legislation out of Committee.

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On page 41, Calendar 273, Substitute for House Bill 5263, AN ACT INCREASING THE PENALTY FOR POACHING, a favorable report by the Committee on Judiciary.

SPEAKER DONOVAN:

Representative Richard Roy, you have the floor, sir.

REP. ROY (119th):

Thank you, Mr. Speaker.

I move passage of the joint committees' favorable report and --

SPEAKER DONOVAN:

-- passage of the bill, sir.

REP. ROY (119th):

-- passage.

Thank you.

SPEAKER DONOVAN:

The question's on acceptance of the joint committees' favorable report and passage of the bill.

Will you remark?

REP. ROY (119th):

Thank you, yes.

Mr. Speaker, what this does is simply increases the penalty for poaching or remaining on property

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where you are trespassing and you take animals in some manner of hunting.

I move passage.

SPEAKER DONOVAN:

Thank you, sir.

Care to remark further?

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Mr. Speaker, I, also, rise in support of the bill. It was a very interesting hearing. Good bill ought to pass.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, sir.

Thank you very much.

Care to remark further on the bill? Care to remark further on the bill?

If not, staff and guests please come to well of House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a roll call vote. Members to the chamber please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted?

Please check the roll call board to make sure your vote has been properly cast.

If all the members have voted, the machine will be locked.

Clerk, will please take a tally.

Clerk, please announce the tally.

THE CLERK:

House Bill 5263.

Total number voting	127
Necessary for passage	64
Those voting Yea	127
Those voting Nay	0
Those absent and not voting	24

SPEAKER DONOVAN:

The bill is passed.

Will the Clerk please call Calendar Number 103.

THE CLERK:

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SENATOR LOONEY:

Thank you, Madam President.

Also calendar page 18, Calendar 458, House Bill 5031.
Move to place the item on the consent calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 20, where we have one item,
Calendar 468, House Bill 5217. Madam President, move to
place this item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

On calendar page 21, Calendar 471, House Bill 5164. Move
to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

On calendar page 22, Calendar 476, House Bill 5263. Move
to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

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On page 13, Calendar 426, House Bill 5443; on page 14, Calendar 438, House Bill 5347; Page 14, Calendar 439, House Bill 5388; page 15, Calendar 441, House Bill 5501.

Also on page 15, Calendar 442, House Bill 5536; page 16, Calendar 445, House Bill 5145; page 16, Calendar 446, House Bill 5395; on page 16, Calendar 448, House Bill 5414; page 17, Calendar 451, House Bill 5548; page 18, Calendar 456, House Bill 5285.

Also on page 18, Calendar 458, House Bill 5031; on page 20, Calendar 468, House Bill 5217; page 21, Calendar 471, House Bill 5164; page 22, Calendar 476, House Bill 5263.

On page 23, Calendar 485, House Bill 5237. On page 25, Calendar 497, House Bill 5512; page 26, Calendar 502, House Bill 5497; page 26, Calendar 503, House Bill 5409.

On page 28, Calendar 512, House Bill 5424. And on page 30, Calendar 522, House Bill 5289.

THE CHAIR:

That seems correct.

Mr. Clerk, would you please call for a roll call vote on the consent calendar. (Inaudible.)

THE CLERK:

Immediate roll call has been ordered in the Senate. Will senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Gomes, would you like to vote, please. Thank you.

If all members have voted, if all members have voted, the machine will be closed.

Mr. Clerk, would you please call a tally.

THE CLERK:

On today's consent calendar,

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Total Number Voting 35
Necessary for passage 18
Those Voting Yea 35
Those Voting Nay 0
Those Absent and Not Voting 1

THE CHAIR:

The consent calendar passes.

Are there any points of personal privilege or
announcements? Are there any points of personal
privilege or announcements?

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, Madam President, if there are no announcements or
points of personal privilege, we will, of course, be in
session tomorrow -- or actually it's later today but -- but
not on Thursday. But --

THE CHAIR:

Okay. Promise?

SENATOR LOONEY:

-- we will -- we will convene later this morning. We will
have a -- announce the Democratic caucus at eleven followed
by session at noon today.

Thank you, Madam President.

With that, would move the Senate stand adjourned, subject
to the call of the chair.

THE CHAIR:

So ordered, sir. Everybody drive safely.

On motion of Senator Looney of the 11th, the Senate, at
12:32 a.m. adjourned subject to the call of the chair.