

## **Poaching Penalties**

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Judging from the articles and op-ed pieces submitted by readers of Heartland Sports Authority, unethical hunters are an unrepresented minority in the hunting world. So what's a poacher to do? What state in the tri-state area is most accommodating to the road hunters, trespassers, spot-lighters, and out of season hunters?

I do not practice law in Illinois or Iowa, but conservation departments in those states were kind enough to provide some information on each state's treatment of game law violations. Iowa, Illinois and Missouri all have laws prohibiting the illegal taking of wildlife. In fact, the states consider the "ownership of, and title to, all wildlife of and within the state" to be vested in the states. These crimes are generally considered Class A or B misdemeanors and have similar penalties of jail time, and/or fines for such violations.

The state of Iowa, taking this ownership interest seriously, not only fines and/or jails game law violators, but requires the violators to reimburse the state for the value of the animal that was wrongfully taken. The Iowa hunting and trapping regulations require violators to reimburse the state for illegally taken deer based upon the Boone and Crockett score of the deer.

If a person kills a 150 point deer in Iowa, that person must pay the state between \$2,000.00 and \$5,000.00 and complete "80 hours of community service or, in lieu of the community service, a minimum of \$4,000.00, and not more than \$10,000.00, in an amount that is deemed reasonable by the court." If the deer scores over 150 Boone and Crockett points, the violator will pay \$5,000.00 to \$10,000.00 and complete the 80 hours of community service, or, in lieu of community service, a minimum of \$10,000.00 and up to \$20,000.00. Shoot a turkey illegally and you pay a court fine

and/or do jail time. Additionally, you will pay restitution to the state in the amount of \$200.00.

In Iowa and Illinois, the legislators also instituted a point system comparable to the point system that applies to your driver's license. The Illinois Digest of Hunting and Trapping allows for the suspension of a person's license for up to 5 years. An example provided by the Digest states: "A person found guilty of unlawful taking of whitetail deer during closed season (Class A Misdemeanor – 12 points) and taking an over limit of quail (Petty Offense – 3 points) has his/her licenses revoked and privileges suspended ... for a period of 15 months from the date of notice. This person completes the 15-month suspension, and two months later (less than 36 months from the date of the first violation) again unlawfully possesses a freshly killed whitetail deer during closed season and is found guilty (12 points), this person's licenses are again revoked and privileges are suspended for a period of 27 months (15 + 12)."

A person who violates the terms of his revocation or suspension may spend 364 days in jail and pay a \$2,500 fine under the administrative proceedings.

States and the Federal Government also have the ability to seize guns or vehicles involved in the perpetration of a crime. Unfortunately, in Missouri, a firearm, vehicle, and other equipment used to take game illegally are not typically "forfeited" to the government because the person has to be convicted of a felony. The Missouri statutes designate most game law violations as misdemeanors, therefore not allowing the forfeiture of those items.

Neither does Missouri have a point system like Illinois, or a restitution provision requiring the violator to pay based upon the size of the buck.

This is not a comprehensive analysis of all the state laws by any means, but where would you go to poach your Boone and Crockett?