

An Overview of State Fish and Wildlife Agency Restitution Programs for Illegally Taken Big Game Species

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PROJECT SUMMARY

Restitution for the illegal take of big game species is a state wildlife agency enforcement tool used to punish poachers for stealing the public's resource, and a deterrent for those that may consider poaching wildlife. Boone and Crockett Club's (B&C) Poach and Pay Program was established to assist states, if needed, in strengthening their restitution programs. The research component of the Poach and Pay Program, supported by American optics maker, Leupold & Stevens included collecting and analyzing information on the effectiveness of monetary penalties associated with poaching violations. In 2016 and 2017, the researcher conducted surveys and interviews with state wildlife agency enforcement officers to gather baseline information on restitution programs for illegally taken big game species, and to identify what was working and what was not concerning those programs.

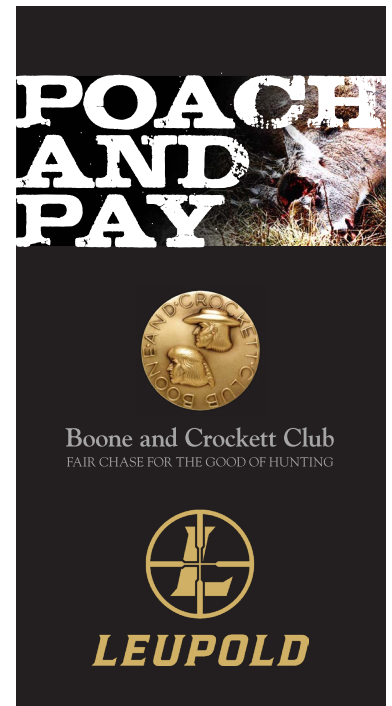
Eighty-one percent (N=42) of states have restitution for illegally taken big game species. Ninety-four percent of those states (N=34) have either-sex restitution and 62% have trophy restitution with measuring, point and/or weight criteria defined in state statute, code or policy. However, in 15% of states, restitution was limited to a subset of the big game species. Eight different measuring systems and combinations of criteria were used by states to assess trophy level restitution, with the highest percentage using some component of B&C's official measuring system (50%). The second most common criteria used included a combination of total points and measurements (other than an official measuring system). Due to the variations and the relatively small sample sizes of the different measuring systems, there were limitations to the data analysis comparing the advantages and disadvantages of each of the criteria.

The majority of interview participants believed that poaching fines and restitution in their states accurately reflected the crime and current values of big game animals; however the effectiveness of restitution and other monetary penalties as a deterrent was a reflection of the level of support provided by the court system, and in some cases, whether or not monetary penalties were combined with other deterrents. Other respondents believed monetary penalties in their states were not sufficient to compensate the state for the loss of wildlife resources to the public. Half of the respondents from states that do not have restitution programs indicated they would like to see programs implemented in their states.

These results suggest opportunities for organizations to work with select states to implement restitution programs or amend components of their programs for illegally taken big game species. Groups also may offer additional support to agencies with education and outreach to judges, prosecutors, legislatures, and the general public on the importance of hunting as a component of wildlife conservation and the role of enforcement in ensuring the protection of the public's resources. Lobbying for support for agency wildlife prosecutors and a natural resource case-only, court docket for states may help alleviate some of the issues that wildlife law enforcement officers encounter while trying to convict poachers, and in-turn, would improve the effectiveness of restitution and other monetary penalties as wildlife poaching deterrents.

BACKGROUND INFORMATION

The illegal take or possession of big game is a serious issue in the United States, with poachers stealing wildlife from the public, taking away recreational opportunities, and in some cases, negatively affecting wildlife populations. State fish and game agencies manage and conserve wildlife as trustees of the public's resources, with agency oversight and wildlife laws grounded in the Public Trust Doctrine, a key component of the North American Model of



Wildlife Conservation (Geist and Organ, 2004). Those convicted of the unlawful take or possession of wildlife may have to pay restitution, a monetary payment to the state as compensation for the loss of the public's resource. Restitution ordered by the courts in a criminal case usually is required in addition to fines, community service, imprisonment, forfeiture of equipment, license suspension or revocation, and/or felony charges. In some states, the agency may seek restitution through a civil process as a stand-alone case or in addition to the criminal violation. In civil cases, the restitution usually is sought through monetary damages making the party "whole" again (Legal Dictionary 2017). Restitution and other penalties imposed by judges sends a message to poachers that wildlife matter to the citizens in their states, and that the illegal activity of poaching and stealing the public's resource is not tolerated.

Boone and Crockett Club's (B&C's) official measurement and big game scoring system is an important enforcement tool that some fish and game agencies use to determine restitution payment for illegally taken, trophy wildlife. However, every state does not use the system and among those that do, there are inconsistencies in how it is applied. This may lead to a reduction in the effectiveness for these states in using the B&C measuring criteria as an enforcement tool. To better understand the level of use of the B&C scoring system and its effectiveness, as well as to collect baseline information on either-sex and trophy restitution programs, B&C sponsored this research as part of its recently established Poach and Pay Program (P&PP).

B&C's P&PP was implemented to assist states, if needed, in strengthening their restitution programs. Phase I of the P&PP is the research component that includes a comprehensive overview of state restitution programs for the illegal take or possession of big game. In addition, the research includes information on the obstacles enforcement officers encounter while trying to convict poachers, which may negatively affect the effectiveness of state restitution programs. The results of the research will help guide future phases of the P&PP and will provide state agencies and hunting and enforcement organizations with a resource for assessing and comparing state restitution programs for future policy and decision making.

The researcher conducted surveys and interviews with state fish and wildlife enforcement officers, as well as online research to gather baseline information and agency personnel perspectives on the following:

1. Do poaching fines accurately reflect the crime and current value of big game animals?
2. Which states utilize a restitution program, and if applicable, which states have established measuring criteria to determine trophy restitution?
3. How and why were those measuring specifications chosen?
4. What are the advantages and disadvantages to using those criteria?
5. What is the process and authority required to determine the criteria and values?
6. Is restitution an effective deterrent?

In addition, questions were asked to better understand the needs of state agencies in convicting poachers and opportunities for B&C or other partners to assist those states. Terminology associated with restitution penalties varied among states, with no consistent patterns of use. For the purposes of this research, "restitution" incorporates what some states may refer to as restitution, replacement costs, recovery of damages, reimbursable damages, penalty enhancement, further penalty, wild animal protection surcharge, or civil liability. Hereafter, all the above will be described as "restitution." Restitution information and data for states was collected as of the end of 2016, except for California, whose penalty enhancement was approved in early 2017. The research focused on the big game animals identified in **Table 1** (see page 16). Many states defined wild turkey as big game, while others described it as a game bird. To ensure this document was a valuable resource to all states, wild turkey was included in the analysis as a big game species.

METHODS

Surveys and Outreach: In March 2016, surveys were sent to directors of fish and wildlife resource agencies in the United States (N=50) via an email from the Association of Fish and Wildlife Agencies (AFWA). In August 2016, hard copies of the same surveys and information were sent to enforcement chiefs in those states that had not responded to the initial request. Surveys included preliminary questions on state restitution programs and a request for individual enforcement staff contact information to participate in comprehensive phone interviews. Additional outreach was con-

ducted at the September 2016 AFWA meeting to recruit states that had not yet responded to participate in the research. In addition, enforcement personnel that read B&C's press releases on the P&PP contacted the researcher to participate in the study. Eighty-four percent of states provided data for the surveys and/or interviews. Of these, 80% responded to the director and enforcement chief mailings and surveys and 4% responded to other outreach efforts (Fig. 1).

Interviews: Interviews were conducted to gather detailed information on state restitution programs, to elicit additional information on the obstacles enforcement officers encountered while trying to convict poachers, and to identify opportunities for B&C to assist states. Interviewees were determined from contacts provided in the surveys and from additional outreach. Forty-three individuals participated in the interviews representing 40 states. Interviews were recorded and transcribed verbatim. The number of questions answered by the respondents depended on the amount of time they had available and their interest in the project. A portion of the interview questions were open-ended and were based upon the personal perceptions of the participants. For those questions, the researcher conducted content analysis to quantify the responses into themes and categories. For the analysis, (X) denotes the number of respondents, while (#X) represents the respondent's identification number to ensure anonymity of the participant.

If needed, follow-up questions were asked via phone or email to solicit clarifying information. Detailed state code and statute information was provided by some respondents, but not others. In those cases, the researcher conducted online research to obtain additional information on programs. This information was subject to the researcher's interpretation of state codes and statutes.

The interviews also included questions about specific fines for the illegal take or possession of wildlife. Typically a single, illegal action leads to multiple charges or violations that result in a compounding monetary penalty. In some states, fines varied per county, were different for antlered and antlerless wildlife, were dependent on the type of violation (e.g. spotlighting), were at the discretion of the judge, and/or included additional, subsequent violation costs and penalties. Information provided by some respondents was not detailed enough for the researcher to accurately describe the nuances associated with state wildlife violations and fine structures for all the states participating in the study, and quickly grew beyond the scope of this research. Therefore, the analysis primarily focused on restitution as a component of fines and penalties.

SURVEY AND INTERVIEW RESULTS

BASELINE INFORMATION ON RESTITUTION PROGRAMS

Of the 42 states participating in the study, 81% had restitution programs for illegally taken big game (Fig. 2). In 15% of the states, restitution was limited to a subset of the big game species (Table 1, page 16). In Maine, for example, restitution included only wild turkey, with no restitution for white-tailed deer, moose or black bear (Table 1). In New Jersey, the Commissioner has the legislative authority to establish restitution for illegally killed wildlife, but replacement values and criteria had not been established at the time of this analysis. Therefore, New Jersey was not considered to have a restitution program as part of this analysis.

Of the 34 states with restitution programs, 32 (94%) have an either-sex restitution component and 21 (62%) have trophy restitution with measuring or other trophy value criteria (Fig. 2). California and Kansas do not have either-sex res-

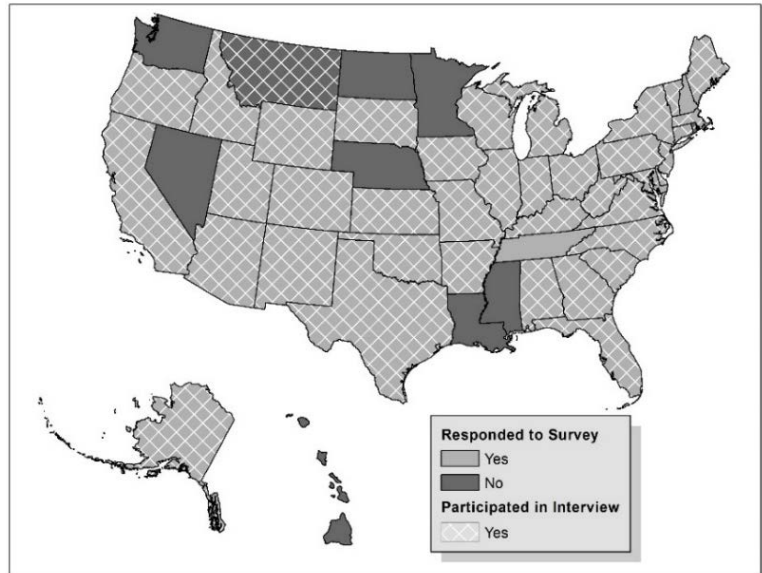


Figure 1. Map of states participating in surveys and/or interviews.

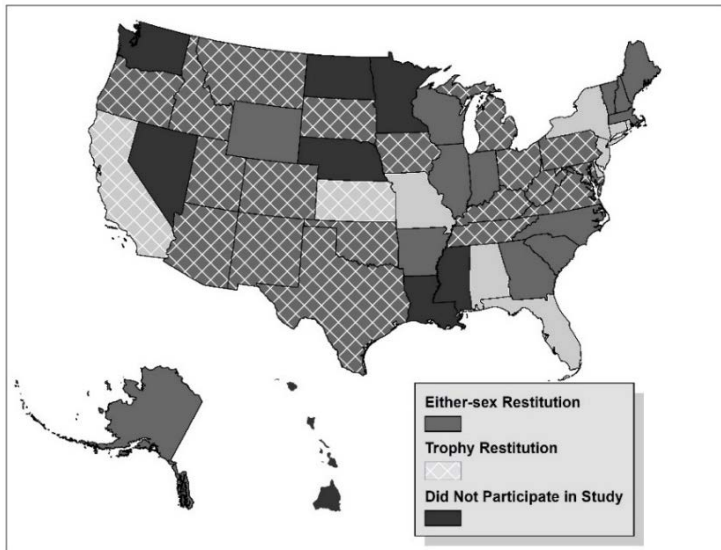


Figure 2. Map of states participating in study, showing states with either-sex and/or trophy restitution for illegally taken big game species. Either-sex restitution: ME only includes wild turkey, GA only includes black bear, and CO only includes mountain goat.

stitution penalties, but California has a “penalty enhancement” for trophy quality animals and Kansas has trophy restitution for big game species.

The most common species with restitution identified by states included wild turkey, white-tailed deer, black bear, and elk (Table 1, see page 16). Restitution values for each species by state are described in Table 1. Either-sex and trophy restitution minimum and maximum amounts were variable within and among states. Some included set amounts, ranges at the discretion of the judge, either-or determinations, recommended values for the judge to consider, minimum amounts, fair market value, a Southeast Average, and/or increased subsequent penalties. To help determine appropriate restitution levels, Texas and Ohio have unique systems that use B&C gross score inputs in equations to determine trophy values, along with calculations of a wildlife value formula and multiplier to determine the base amount or minimum value of a species. The formula and multiplier incorporate factors that affect the species’ popula-

tion and its recreational and economic benefits to the state’s citizens. In Ohio for example, the seven scoring criteria included in the wildlife value formula includes: recreation, aesthetics, educational, state-list designation, economics, recruitment, and population dynamics. The current, minimum value calculated by state wildlife biologists for an antlered white-tailed deer is \$500. If the buck qualifies for trophy status, the B&C gross score is plugged into an equation $((\text{gross score}-100)^2 \times \$1.65)$ to determine the additional trophy restitution value. Therefore, if a violator is convicted of poaching a white-tailed deer buck with a gross score of 180”, he/she would have to pay a \$500 base value penalty plus an additional restitution of \$10,560.

MEASURING CRITERIA

Of the 21 states (N=42) with trophy restitution programs with measuring systems, the majority use some component of the B&C measuring system (11). The second most common system includes a combination of minimum points and other measurements (P&M) besides B&C, Pope and Young (P&Y), or Safari Club International (SCI) (Fig. 3). Two respondents describing their scoring system mentioned B&C and P&Y interchangeably; however, P&Y was not described or identified in any state statutes. Specific criteria associated with all the measuring systems per state are identified in Table 2 (see page 22).

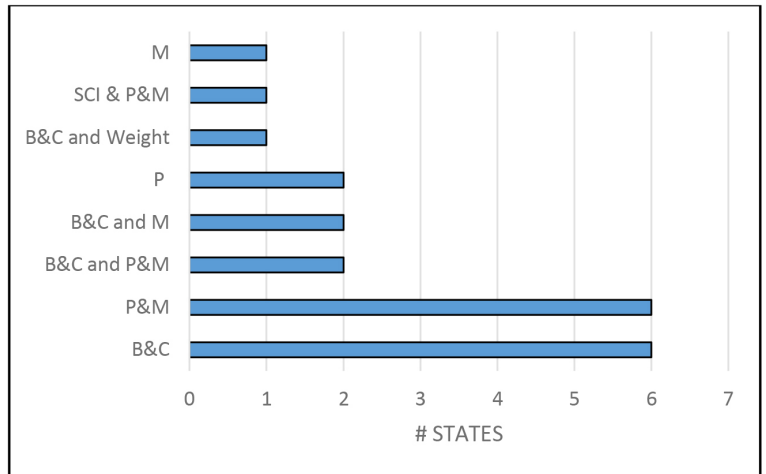
Of the 11 states that use the B&C measuring system, all use the gross score and do not require a drying period. Nine states had statutes, codes, regulations or policies that mentioned B&C specifically; 7 respondents said they use an official B&C measurer to score trophy quality animals; 1 uses an official measurer occasionally, and 3 do not use an official measurer to determine if the animal meets trophy standards.

Kansas and Montana had unique restitution programs which included a component of the B&C measuring system. Kansas Department of Wildlife, Parks and Tourism has a fine/penalty amount that is based upon the determination of a trophy quality animal using P&M criteria for white-tailed deer, mule deer, elk and antelope, with an additional restitution value based upon an equation that is applied if it scores a certain amount of inches based upon the B&C measuring system (Table 2). Montana Fish, Wildlife and Parks has a restitution program that includes a horn length measurement for antelope, a curl definition for bighorn sheep, and a 3-part point and measurement requirement OR a combination of a point and B&C score criteria for white-tailed deer, mule deer, and elk (Table 2).

For those states that had measuring criteria established to determine trophy restitution, the majority of interview respondents (N=20) were uncertain as to how the measuring criteria were chosen (11). Others were confident that their state measuring criteria were determined by agency personnel (6), legislatures (1), members of the public (1),

and a partnership between a legislature and agency staff (1). The majority of respondents also were uncertain as to why the criteria were chosen (10), but those that were familiar with the history and process had very similar responses as to why they like the measuring systems in their states (Fig. 4).

For those states that did not have trophy criteria established (N=21), interview participants (N=20) were asked, "Would you like to see a trophy measuring system implemented in your state?" The majority responded, "Yes" (10), with 4 others stating, "No," and 4 others uncertain. Two additional respondents from states that did not have any restitution in place said they would like to have an either-sex restitution instituted, but they were unsure if trophy criteria were necessary or would work in their states. Many of the respondents emphasized that their answers were their own personal beliefs and not necessarily those of their agencies.



Key: B&C: Boone and Crockett Club, M = Measurements (other than official scoring systems), P: Points, SCI: Safari Club International.

Figure 3. Measuring systems used to determine trophy/enhanced penalties and restitution (N=21).

Process and authority to determine criteria and values: The authority to determine restitution requirements for illegally killed big game in each state are described in Table 3 on page 24 (N=40). The majority of states require legislative approval/action to add or amend restitution programs. Other state agencies and commissions have some level of authority granted to them by the legislature to set restitution values, recommend restitution within ranges to the courts, make adjustments to values, change restitution values outside of trophy values, and/or define trophy criteria. In North Carolina, trophy restitution could be either a rule or a law. A law would have to go through the legislature, but an agency rule would have to go through a Rules Committee and extensive public process. Arkansas Fish and Game is a constitutionally independent agency with a commission that has the authority to determine fish and game code, including restitution. The majority of agencies that have the authority to determine components or all of restitution programs in their states have to go through a public review processes to obtain public input and support for adjustments to codes, rules and/or regulations.

Four interview respondents (N=43) mentioned that it could be risky to propose changes to the current laws because it would open the law for amendments that the agency did not intend. One option to alleviate some of those concerns and help garner legislative and local support to implement trophy restitution may include providing the school districts or the county where the crime was committed a percentage of the restitution dollars received.

For example, South Dakota incorporated a provision requiring that a percentage of the trophy penalties go to the school district in the locale where the animal was illegally taken. The agency receives the base amount fine and the school district gets the trophy restitution portion to offset operating costs like books and new computers. The allocation of funds was a compromise that was settled in the legislature, with the original intent of the legislation allotting all funds to the agency. Nonetheless, one South Dakota Game, Fish and Parks respondent stated: "It creates goodwill between the school district and the agency. It's always a pleasant surprise when I contact the school districts and say, 'Here is a check for a few thousand dollars.' Nobody is going to turn that down."

In addition, many state agency staff connect with legislatures well before asking for support of a specific proposal to build relationships that result in a better understanding of and appreciation for the work that enforcement officers provide to the state and the public. For example, Indiana has a Relevancy Project where enforcement officers reach out to approximately 30 legislators a year in a one-on-one informal setting to share information about fish and wildlife law enforcement and the role of conservation officers. The agency has seen "overwhelming" results from the first year of the program, which has garnered additional support and interest from legislators for natural resource management and conservation with an increased number of legislators signing up for hunter education programs and attending fish and wildlife enforcement events.

| Responses | | B&C (N=9*) | B&C & P & M (N=2) | P & M (N=6) | P (N=1) | M (N=1) | SCI & P&M (N=1) |
|---------------------|----------------------------------------------|---------------|----------------------|----------------|------------|------------|--------------------|
| Like | Well known | 5 | | | | | |
| | Defendable | 2 | 1 | | 1 | | |
| | Credible | 4 | 1 | | | | |
| | Good representation of trophy quality animal | 2 | | | | | |
| | Covers a broad range of trophy animals | | 1 | 1 | | | |
| | Covers a broad measurement range | | | | 1 | | |
| | Two options to determine trophy animal | | 1 | | | | |
| | Fair & serves as deterrent | 1 | | | | | |
| | Graduated fees based on score | 1 | | | | | |
| | Generally like | 4 | | | | | |
| | Easy for officers to determine in field | | 1 | 2 | | | |
| | Easy to explain to courts and public | | | 2 | | | |
| | Does not take a lot of time | | | 1 | | | |
| | Trophy definitions are good, no deductions | | | | | | 1 |
| | Official measurer is an expert witness | | 1 | | | | |
| | Too new to comment | 1 | | | | | |
| No comment provided | | 1 | | | | | |
| No opinion | | | | | | 1 | |
| Dislike | May not include some trophy quality animals | | | 2 | 1 | | |
| | Need someone to score | 1 | | | | | |
| | Time intensive to score | 1 | | | | | |
| | Challenge for public to understand score | 1 | | | | | |
| | Nothing | 4 | 1 | 2 | | | 1 |
| | No comment provided | 2 | 1 | 2 | | | |
| | No opinion | | | | | | 1 |

*Includes B&C and M and B&C and Weight responses since M and Weight were not mentioned by the respondents--only B&C.

Figure 4. Perceptions of interviewees (N=20) to, "What do you like and dislike about the measuring criteria?"

PERCEPTIONS OF WHAT IS WORKING AND WHAT IS NOT

A portion of the interview questions were open-ended and based upon the personal perceptions of the participants. The following analysis includes a summary of data describing the interview results, as well as direct quotes for the reader to distinguish the tone of the participants' responses.

Measuring Criteria: To better understand the advantages and disadvantages of the different measuring criteria and systems, interview participants were asked, "What do you like and dislike about the measuring criteria?" Figure 4 describes the number of individuals providing specific responses relevant to the measuring systems used in their states. Interview responses of individuals that used points or points and measurements appreciated the measuring criteria because it was "easy," but at times, it may not include trophy quality animals:

The thing that I like the most is that it is easy and you do not have to spend a lot of time to determine what it takes to meet a trophy criteria. The bad thing about it is that there are a fair number of animals that would be considered trophy under the P&Y, B&C or other scoring system that would make the record book that are missed by some of the criteria that we have. For example, there are some big 5 X 5 elk out there that would make the record book, but for our trophy criteria, it would not be considered a trophy (#14).

For those interview respondents that used some component of the B&C measuring system, the majority liked the system and its applicability (Fig. 4). One respondent felt that it was the best system to use and that a point system may

include questionable trophy class animals:

B&C is the gold standard for measuring and scoring big game. You could use a point system but then you could have, say a 5 x 5 bull elk that is relatively small bull and you take it to court and the jury will ask, 'Is that really a trophy and you want how much for it?' (#20).

Although #20 also mentioned that it was challenging for some members of the public to understand the B&C score: "You will get a jury, and say it is a 300 bull, and there may not be a single juror that has the ability to understand it. 'What are you talking about? A 300 bull? Where did you get that?'" However, it is very well known in the hunting community:

B&C scoring system is the most widely used system out there, and it is the easiest to associate with because so many people use it. You cannot go anywhere in the hunting community and not understand that everyone wants to harvest a higher scoring animal, and B&C always is in the conversation (#41).

Another respondent liked the B&C measuring system, but mentioned there were issues with the court system: "I like the criteria--it is getting the judges to go along with assessing the restitution or not. I do not have a problem with any of the criteria" (#37). Challenges with the court system were mentioned by other interview participants and are described in more detail in the remaining sections of the results.

Poaching Fines: Survey and interview respondents were asked their perceptions of poaching fines in their states. The majority of survey respondents and enforcement staff interviewed thought that poaching fines in their states accurately reflected the crime and current values of big game animals (Fig. 5). The primary reasons interview participants mentioned "Yes," included that the state had restitution in addition to fines (11); there were "recent" increases to monetary penalties (5); the state had trophy restitution (4); there were significant penalties (no description of monetary or non-monetary included) (4), and compared to other fines in the state, illegal take penalties were good (3).

During interviews, enforcement personnel had the opportunity to provide more detailed responses than the survey participants, which led to the inclusion of a "yes and no" answer with respondents detailing their reasoning for their comments. Some of the respondents mentioned that it depended on who you asked because the answer to the question would vary depending on how that individual personally values wildlife (6). The reasons why interviewees answered "no" (N=20), included the following:

- Fines were too low (15),
- Some courts were not imposing suitable fines and/or restitution (12),
- No trophy restitution (3), and
- Defendants pay nominal amounts per month (1).

One interview participant commented that, "...fines alone are not enough to help deter poaching. In my opinion, there needs to be more punishment than fines for poaching" (#33). Another stated: "...it is a fine line—the public wants them to be punished and for it to be a deterrent, but if you go too high, then the agency comes across as being too heavy-handed" (#29).

Restitution as an effective deterrent: The majority of interviewees that worked for states with restitution programs believed that restitution was an effective deterrent (Fig. 6). Of those that stated, "Yes," 65% (N=13) qualified their responses with "but" or "if" because they consider restitution effective if it is combined with other deterrents (6), and if the penalties are applied by the courts (5). In addition, monetary penalties do not matter to some poachers (4). Those that responded, "No" (7), stated that it is because they have issues collecting the money once penalties are imposed

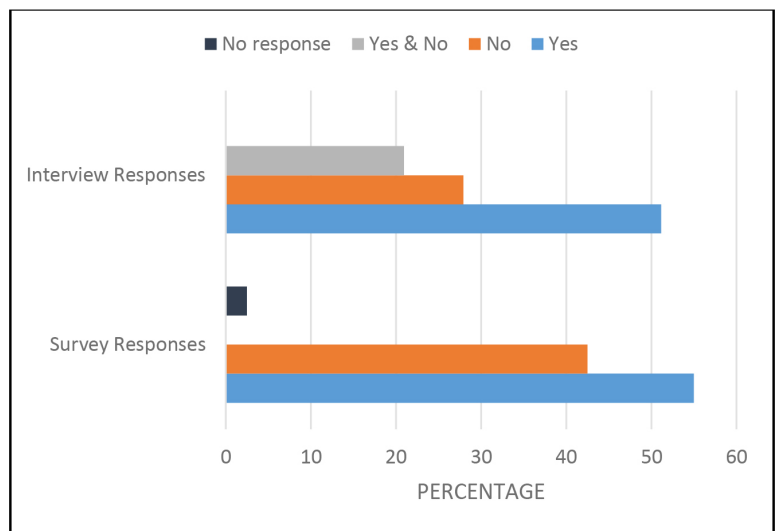


Figure 5. Survey (N=40) and interview participant (N=43) responses to: "Do poaching fines in your state accurately reflect the crime and current values of big game animals?"

Is restitution an effective deterrent?

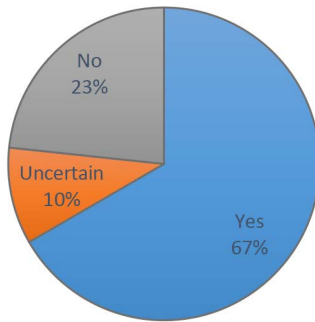


Figure 6. Interview respondents' perceptions of the effectiveness of restitution as a deterrent (N=30).

by the courts (4); the public is not aware that restitution is a penalty for illegally killing wildlife (2); the monetary costs are too low (2); penalties are not imposed by the courts (1), and money does not really matter to the true poacher (1). Those that were uncertain if restitution was an effective deterrent (3) needed more data before sharing their opinions (2) and mentioned that it depended on the type of violator (1).

Enforcement Challenges: Obstacles that enforcement officers encounter while trying to convict poachers may reduce the effectiveness of restitution as a deterrent for the illegal take of wildlife. These obstacles are complex and resulted in multifaceted responses from interviewees, who often qualified their answers. When interview participants were asked, "What obstacles do your enforcement officers encounter while trying to convict poachers," the most common themes that emerged from responses focused on issues associated with the court system, followed by enforcement staffing and time constraints (Fig. 7). The term "the courts" appeared to primarily include judges and prosecutors; however jurors also were mentioned in

conjunction with judges and/or prosecutors by some of the respondents.

Reasons that respondents listed the court system as an obstacle fell into four main categories:

- Wildlife crimes and cases were not a priority (21).
- Courts were not consistently imposing fines, dismissing, and/or dropping cases (15).
- Judges were weak on prosecution because of cultural, traditional or other personal reasons (12).
- There was a lack of knowledge and understanding of fish and game laws by judges and prosecutors (10).

Many of the interviewees mentioned multiple categories per statement. In many cases, respondents did not speak negatively of the court system, but instead clarified their responses by stating that the courts were overburdened with high caseloads (13) and/or wildlife cases were heard with other non-wildlife cases (8):

It seems in the more populated counties where you have lots of other crimes, oftentimes wildlife takes the back seat, and it is just a matter of being overloaded, just like our officers are overloaded, with not enough district attorneys and court time to handle all the cases that come before them. So eventually they do plea bargains and that is just the nature of the beast and a challenge for our wildlife officers to get some type of conviction that would be a deterrent and send a message to the people in the community that wildlife poaching is serious business (#14).

Any criminal violations and big game violations go to the same court. So if you are arrested for illegal deer hunting, you go to the same court that someone is there for domestic violence, drug charges, and such. Our court system and prosecutors have a very large volume of cases to handle. If a prosecutor has to decide if he will push something through or take it to trial, fish and wildlife crimes are not high on the priority list (#4).

In addition, some judges and prosecutors were not placing high enough value on wildlife crimes and were not imposing adequate monetary penalties, which may be attributed to their lack of hunting, fishing and outdoor experience:

If you have a judge that does not have a hunting or fishing background, I think the lower the priority on some cases. We do not have a wildlife court so we share the same cases with domestic abuse, drugs, etc. So the judges are hearing all these cases at the same time and I think it is lack of interest with some of them, but not all of them. The ones that do not participate in hunting and fishing, some of them do not seem to take the cases as seriously as we would like them to (#8).

Where we run into a problem is getting the courts to assess a fair fine for the situation.... It is not unusual for us to see a judge fine the guy \$1 and court costs, and then turn around and assess either the restitution fee, or a lot of times we will get a judge that will say, "Well, I am supposed to assess this restitution

fee, but I am not going to do it.' That's the bigger challenge to us rather than just having the person found guilty. And it is just the personality of the judge.... If it is a judge that really is not into the outdoors or if the judge is a farmer, they will minimize the relevance of poaching and they will almost always give them a minimum fine and will let it go at that (#6).

Other issues identified by respondents were the lack of understanding of wildlife management and conservation, and/or a lack of knowledge and understanding of wildlife laws and regulations for some judges, prosecutors and jurors:

I think a lack of understanding of statutes by judges and prosecutors are major obstacles. Obviously in the more rural counties they are more in tune with the laws, but in a lot of our urban counties, they see such few cases compared with our traditional policing that they tend not to understand our laws. And even more important than that, they do not understand the importance of our laws to wildlife management and even in some cases, public safety (#30).

I believe we have very good cooperation between local jurisdictions, but there are cases where, for whatever reason, that the court does not see it the way we see it. I think the biggest reason behind that, and you look at the North American Model of Conservation that says all wildlife belongs to everybody, and there are folks that are not hunting and fishing enthusiasts that do not understand that concept. In other words, if you file a poaching case, it actually is theft from everybody in the room, but not everyone in the room understands that (#41).

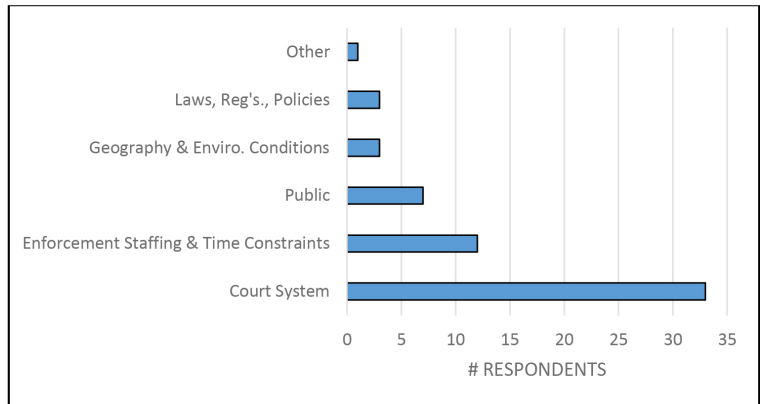


Figure 7: Themes associated with personal perspectives of interviewees (N=38) when asked, "What obstacles do your enforcement officers encounter while trying to convict poachers?"

In some states, fines and penalties for other crimes were less than wildlife crimes (3), with the judges and prosecutors not placing high enough value on wildlife crimes:

In more urban areas, the judge is hearing more drug cases and DUI cases and civil assault cases when I am bringing a guy in that killed a white-tailed deer with a muzzleloader on a day it was not permitted. I do not know if that judge is too inclined to say that it is worth \$X even though this DUI case is worth less than \$X. So to have the prosecutors and judges put the same values into our cases that our officers put into it, I think that sometimes is an issue (#19).

One state reduced its fines to better align with other monetary penalties for crimes committed within the state.

We have reduced a lot of our penalties. So when we do go into court, we will get convictions and at least they have to pay something. If you have something that society does not deem serious and you go in asking for \$1,000, the judge is not going to give it to you. We are not in the 50's anymore. The rural aspects of America are not the same as they used to be, and hunting is one of them... Basically you try to gain compliance because even though there are a lot of intentional violations, there are a lot of unintentional ones as well (#34).

As described in some of the above-mentioned quotes, many of the respondents stated that they were not placing blame on the judges and prosecutors ("the courts"). Seventeen respondents mentioned positive aspects of the court system as part, or all of their responses. One individual stated, "The court system and definitely the public are on the enforcement side" (#3). Another specified, "Some of the courts are super. There are a couple we may have issues with now and again, but most of them are really good" (#29).

However, other respondents thought that some judges were weak on prosecution because of personal biases and motivations:

A lack of understanding from the courts may be one of the biggest issues, or sympathetic judges that are sympathetic towards the defendant. I do not want to insult the judges though. We have some judges and prosecutors that are really strong for us, but we have some that are not—some that do not take it seriously (#29).

If you think about it from the judge's or magistrate's side, you are convicting the same people your populous is trying to get elected. And you go 25-years in a small community and you are trying to get elected, you cannot be making enemies. It can be an obstacle to our prosecution (#42).

Opportunities and success stories mentioned by interviewees to help alleviate some of the issues agency personnel encountered within the court system included enforcement staff living in the community where they work to build trusting relationships with the public, prosecutors and judges; creating a wildlife prosecutor award; implementing a systematic program to reach out to legislatures to garner support of enforcement activities and programs, and having term limits for judges. In addition, one interviewee writes a personal letter to the prosecutor describing the ripple effect of his/her decision if a significant case is dismissed in hopes that he/she may be less likely to dismiss a poaching cases in the future. Other states have hired a contract attorney or full-time agency attorney to assist the courts in prosecuting wildlife cases, and another state agency has seen success with having allotted time on the court docket for the courts to only hear natural resource cases:

We have an attorney that I have on contract that is granted special assistant attorney status by our state attorney general to prosecute cases for us. We work in concert with the state's attorneys and the county attorneys affected, but sometimes due to case load, they generously defer to our attorney and will say, 'by all means, take this case,' especially for our in-depth investigative cases—our undercover cases where there is a lot of stuff there. That has been a great benefit, and it has worked well for us (#36).

Our former Colonel met with the Chief Judge of the District Court of Maryland to propose a "agency only docket." The Chief Judge was receptive and even acknowledged the problems with lack of perceived seriousness by judges and prosecutors when natural resource violations were mixed in the same docket with crimes against persons. A pilot program was conducted for one year in Ann Arundel County. After the pilot was completed and the benefits/costs weighed, the program was expanded to other, more rural counties. The program now includes 18 of 24 jurisdictions in Maryland (Interview respondent from Maryland Department of Natural Resources).

The second most common theme that was mentioned by the interview respondents as an obstacle to convicting poachers was enforcement staffing and time constraints. Issues included: not enough enforcement officers (10), enforcement officer time constraints (3), too many other responsibilities outside of wildlife law enforcement (2), and cases that take a substantial amount of time to develop (2). Two respondents described the following:

We have 1 or 2 wardens per county and we have a lot of duties. We are responsible for hunting, boating, fishing, and trapping, plus we are general law enforcement officers. We provide support to search and rescue, etc. Our law enforcement duties may be secondary to other duties. Our job is human safety first and foremost, even before the protection of resources. We are pulled in a lot of different directions (#34).

In these rural communities, people know their local game wardens and if he is working or not. It is so easy to drive by his house and see him mowing the lawn, and he picks up his phone & calls his buddy & says, "Yeah, he is here." And they know within 100 miles that no one is out there. That is a huge hurdle (#10).

Geography and environmental conditions also were linked to enforcement staffing issues by respondents (3) because of the size of the state (2), the remoteness and overall challenges to logistics (1), and the weather (1).

PERCEPTIONS OF OPPORTUNITIES FOR ASSISTANCE

Interview participants were asked, "What would you like B&C to do through its P&PP to help your agency?" Many respondents mentioned multiple themes per response, with 3 main themes emerging (Fig. 8). Twenty-eight respon-

dents said they would like B&C to help their agencies through education and outreach with the public, judges, prosecutors, legislatures, and /or agency decision makers. Education and outreach encompassed 4 categories: why poaching is a problem (19), the need for stiffer penalties (7), the need for education in general (6), and other comments (10). Responses that mentioned other comments included educating the public on wildlife conservation and emphasizing that hunters and B&C are not just about harvesting trophy animals (5). Also, respondents mentioned the need for additional media outreach to let the public know that their tips matter (4). When possible, interview participants would like to see B&C help recruit hunters (1), as well as lobby legislatures for agency prosecutors (1).

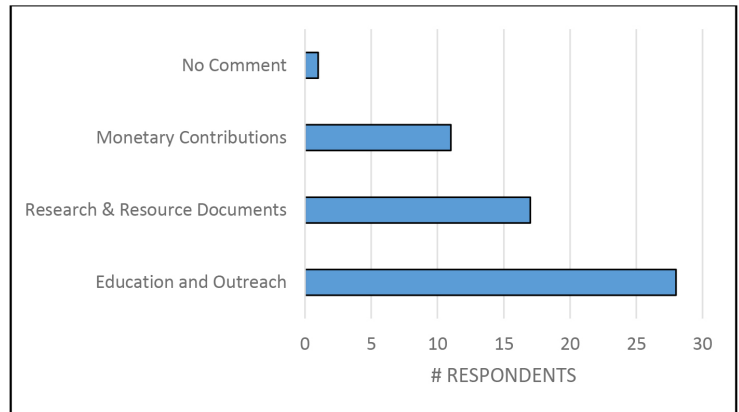


Figure 8. Interview participant perspectives concerning, “What would you like B&C to do through its P&PP to help your agency?” (N=42).

Seventeen respondents mentioned resource documents and research needs that included sharing this report showing what is working and what is not with restitution programs (8), having a consistent, methodological reference or “cheat sheet” that identifies wildlife monetary values for the purposes of fines and restitution (5), conducting a study on detection and violation rates (5), and helping test new technologies (1). In addition, 11 respondents mentioned the need for monetary contributions by B&C for the following: rewards programs (9), general enforcement resources (4), decoys (2), a grant program where agencies can apply for funding needs (1), and marketing state poaching tip hotlines (1).

DISCUSSION AND NEXT STEPS

Baseline information collected on state restitution programs revealed a broad range of monetary penalties for poaching wildlife, and complex and diverse issues associated with the effectiveness of those penalties as a deterrent to poachers. Survey and interview results suggest the majority of participants believe that poaching fines and restitution in their states accurately reflect the crime and current values of big game animals; however the effectiveness of those fines as a deterrent may be reduced by the level of support provided by the court system and, in some cases, whether or not monetary penalties were combined with other deterrents.

Concern that the court system does not place sufficient value on poaching violations reflects similar findings from Eliason (2011) who determined there are five main issues facing wildlife law enforcement officers in Montana, including lack of support from the court system, and agency budget issues and time constraints of enforcement officers. Enforcement budget and staffing constraints also were mentioned in this research as obstacles to convicting poachers. B&C and other non-governmental entities may be able to help alleviate some of the issues enforcement officers encounter with the court system by lobbying for agency wildlife prosecutor positions, as well as wildlife case only court dockets. Groups may offer additional support to agencies by conducting outreach and education to judges and prosecutors emphasizing the importance of hunting as a component of wildlife conservation and the role of enforcement in ensuring the protection of the public’s resource (Musgrave et al. 1993, Eliason 2011).

A portion of the interview respondents thought their states had adequate restitution levels, but the deterrent effect was reduced or eliminated because convicted violators were allowed to pay nominal amounts on a monthly basis towards the balance of their penalties, or the violators were not financially able to pay the fines. These results reflect the need for changes to state statutes or codes to ensure that violators are required to pay monetary penalties in a timely manner that results in a deterrent effect, while still taking into account that some violators may not have the financial capacity to cover those costs. The results also highlight the importance of applying non-monetary penalties in combination with fines and restitution to increase the deterrent effect, which also was mentioned by interview respondents.

Multiple deterrent strategies would help preclude a broader range of poachers with different motives from committing wildlife violations (Filteau 2012). Other court imposed deterrents may include community service, imprisonment,

forfeiture of equipment, license suspension or revocation, and/or felony charges. Deterrents that are not court imposed include publicizing cases, which may result in public shaming and embarrassment, and the presence of game wardens in the field. From the perspectives of poachers, Filteau (2012) found that violators in Maine believed that multiple deterrents, such as increasing fines, stricter prison sentences and an increased presence of game wardens in the field would reduce the potential for wildlife crimes. Mayer et al. (2014) had similar findings in North Carolina where poachers identified visible law enforcement and stiff penalties (loss of hunting or fishing privileges, fines or jail time) as the two most important deterrents. Sample sizes for these studies were relatively small, so additional research may be needed at a broader geographic scale. Unfortunately, many agencies and enforcement divisions face budget constraints and capacity issues that reduce the number of game wardens in the field (Eliason 2011). To help address some of these issues, the public and hunting organizations can advocate for increased enforcement capacity for state wildlife agencies at the legislative level, as well as within the upper echelons of the agencies. That outreach and support also would benefit agencies in garnering legislative support, if needed, for establishing or increasing restitution in their states.

The research results also revealed opportunities for organizations to work with select states to implement restitution programs or amend components of their programs for illegally taken big game species. Although not the majority, a high percentage of survey and interview respondents believed monetary penalties in their states were not sufficient to compensate the state for the loss of the wildlife resource to the public. In some states, agencies and/or the public have worked with legislatures to increase fines or add restitution to their enforcement programs, with no success. Furthermore, half of the interview respondents from states that do not have restitution programs would like to see restitution instituted, although many of those respondents stated that it was their personal opinions and not necessarily the direction that their agencies would like to pursue. Therefore, if B&C and/or another entity decides to move forward to assist states, further outreach to agency management would be needed. Also, agencies and organizations would need to evaluate the risk of amending a statute or code because their good intentions could backfire if legislatures were not fully supportive of the change or the agency at that time, and instead may change the law to be less stringent or effective. Programs similar to Indiana's Relevancy Project may help garner additional support from legislatures for agency and enforcement recommendations. In addition, considering the disposition of funds received for restitution to include local schools or other community programs may help gather additional public support for proposed actions.

As was mentioned by interview respondents, discussions should include the need for an either-sex restitution component, as well as trophy criteria. Non-trophy animals, especially females, are extremely important for genetic diversity of robust and persistent wildlife populations. Ensuring non-trophy wildlife are included in recommendations for new programs or increased monetary penalties may help garner broader public support from non-consumptive users. Additional public support for changes to monetary penalties may occur if the effort is combined with education and outreach to inform the public of the importance of wildlife management and conservation, and why either-sex and trophy restitution are important for the long-term viability of the species.

Specific fine information for illegal possession and other criminal charges was not presented as part of this study, but the results reflect a need to compile this data at a nationwide level for a multitude of big game species to better understand fine ranges and opportunities for improvements if needed. Currently data is available from the Quality Deer Management Association (2015) on minimum fines for illegally killed white-tailed deer, which averaged \$354 per first offense, with an overall range of \$0 - \$1,500. In some cases, the Quality Deer Management Association (2015) found that the minimum fines imposed by some courts were less than the cost of purchasing a hunting license, which would significantly reduce the effectiveness of imposing fines as a deterrent for poaching deer. An expansion of this research to include other big game species would be helpful for the public, wildlife agencies, and non-governmental organizations to petition for increased fines, if appropriate.

In addition, some interview participants mentioned the need for a reference to define recommended fine and restitution ranges that is updated regularly. A systematic, defensible process to determine values may help states decide whether or not it is appropriate to increase fine and/or restitution levels. However, it is challenging to quantify the value of wildlife since every individual values wildlife differently, and is influenced by cultural, social, political and economic viewpoints. Haines et al. (2016) identified the need for research to evaluate public perceptions of wildlife

crime penalties. Evaluating public perceptions of wildlife crime penalties may be advantageous to ensure public buy-in and broader range of support from the courts and legislatures in certain states; however, depending on whether it is an urban or rural study, it may create challenges for states that have higher penalties than what is identified in a potential reference guide. An alternative to a reference guide may be for states to consider the use of evaluation criteria similar to Texas and Ohio that takes into account the biological, social and economic components of wildlife management, which align with public values.

Measuring Criteria: The data included multiple measuring systems and combinations of criteria used by state agencies to assess restitution for trophy quality big game species. The interview results reflect advantages and disadvantages to all the measuring systems, with some issues more manageable than others. For example, to help improve the effectiveness and use of the B&C measuring system, B&C may want to conduct additional education and outreach to the public, including non-hunters, describing what the score associated with a trophy quality animal means and why it is important. Also, training additional official measurers in state agencies at no charge would increase the efficiency of agency staff in having trophy quality animals scored.

There were limitations to the data analysis because of the overall sample size of interview participants from states using measuring criteria to assess restitution (N=20), as well as issues with the sample sizes associated with the SCI measuring system and the use of other measurements that did not include a component of the B&C scoring system. Also, the dataset does not include any information on the P&Y measuring system, which is a credible bow hunting measurement system that has minor differences compared with B&C's measuring system. Therefore, P&Y allows submission of qualified B&C scores into its records system.

Based upon the survey results, the B&C measuring system is the most commonly used, well-known and credible, while a combination of P&M is the easiest for the public to understand and for enforcement staff to determine trophy animals in the field. However, the P&M criteria may exclude animals that many would consider trophy quality, and may also include others that should be excluded. The combination of the P&M and B&C criteria's, similar to what Montana Fish, Wildlife and Parks has in place, appeared to offset the disadvantages associated with each of the measuring systems; however, the sample size associated with the combination of criteria was small. A more extensive survey of measuring system users may be useful to determine if this application is accurate and if there are other combinations of systems that may be just as effective.

CONCLUSION

The baseline information collected on state restitution programs within this report provides a valuable resource for state agencies and non-governmental hunting, enforcement and other conservation organizations to compare programs and evaluate the need for implementing and/or amending new or current systems. The advantages and disadvantages of different measuring systems and levels of fines and restitution becomes irrelevant, however, if the laws that are in place are not applied to deter poachers from committing wildlife crimes. Every wildlife poaching case that is dismissed or reduced to a lesser charge, and every violator who is given a marginal penalty erodes the foundation of wildlife conservation in our country. Implementation of the recommendations in this report would help to address concerns expressed by the interview participants in this study. Many of these recommendations may be outside the scope of the Boone and Crockett Club's Poach and Pay Program. However, the data reflects the need for a multi-faceted, collaborative approach among non-governmental hunting and enforcement organizations and the public to assist state enforcement personnel in addressing obstacles they encounter while trying to convict poachers. In turn, these efforts would help improve the effectiveness of restitution and other monetary penalties as wildlife poaching deterrents.

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TABLE OF TABLES

Table 1: Restitution for illegally taken big game species, in order of most common nationwide.

Table 2: State restitution programs and trophy criteria, if applicable.

Table 3: State authority and process to amend or implement restitution programs for illegally taken big game species.

Table 1: Restitution for illegally taken big game species, in order of most common nationwide.

| State | Wild Turkey | White-tailed Deer | Black Bear | Elk | Pronghorn Antelope | Mule Deer | Moose | Bighorn, Desert, Dall's Sheep |
|-----------------|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------|
| AK | | | ES \$600 | ES \$800 | | ES \$400 | ES \$1,000 | ES \$1,100 |
| AR | ES \$250-\$500, value \$350; but as low as \$0 | ES \$300-\$600, value \$400; but as low as \$0, JD | ES \$250-\$750, value \$500; but as low as \$0, JD | ES \$750-\$2,500, value \$1,500; but as low as \$0, JD | | | | |
| AZ | ES Min. \$500, \$1,000 2nd judgement, \$1,500 3rd | | ES Min. \$1,500, 2nd \$3,000, 3rd \$4,500 | F & MNT Min. \$2,500, \$5,000 2nd, \$7,500 3rd; MT \$8,000, 2nd \$16,000, 3rd \$24,000 | F & MNT Min. \$1,500, 2nd \$3,000, 3rd \$4,500; MT \$8,000, 2nd \$16,000, 3rd \$24,000 | F & MNT Min. \$1,500, 2nd \$3,000, 3rd \$4,500; MT \$8,000, 2nd \$16,000, 3rd \$24,000 | | ES is T, Min. \$8,000, 2nd \$16,000, 3rd \$24,000 |
| CA | MT Rec. \$2,000-\$5,000, or jail for no > 1 year, or both, JD | | N/A | MT Rec. \$5,000-\$40,000, or jail for no > 1 year, or both, JD | MT Rec. \$5,000-\$40,000, or jail for no > 1 year, or both, JD | MT Rec. \$5,000-\$40,000, or jail for no > 1 year, or both, JD | | MT Rec. \$5,000-\$40,000, or jail for no > 1 year, or both, JD |
| CO | N/A | MT \$10,000 | N/A | MT \$10,000 | MT \$4,000 | MT \$10,000 | Any bull \$10,000 | MT \$25,000 |
| GA | N/A | N/A | ES not < \$1,500 | | | | | |
| IA | ES \$200 | A- \$1,500; M ≤ 150" = \$2,000-\$5,000 + CS, but if no CS \$4,000-\$10,000; MT if > 150" = \$5,000-\$10,000 + CS, but if no CS = \$10,000-\$20,000 | | ES \$2,500 (NHP) | ES \$2,500 (NHP) | | ES \$2,500 (NHP) | |
| ID ^a | ES \$250 | ES MNT \$400, MT \$2,000 | ES \$400 | F & MNT \$750, MT \$5,000 | F & MNT \$400, MT \$2,000 | F & MNT \$400, MT \$2,000 | A- \$1,500, any bull (T) \$10,000 | F \$1,500, any ram (T) \$10,000 |
| IL | ES \$250 or FMV, whichever is > | ES \$250 or FMV, whichever is > | | | | | | |
| IN | ES 1st offense \$500, 2nd + \$1,000 | ES 1st offense \$500, 2nd ⁺ \$1,000 | | | | | | |
| KS | N/A | T Fine Min. \$5,000 + MT Restitution = (gross score - 100) ² X \$2 | | T Fine Min. \$5,000 + MT Restitution = (gross score - 200) ² X \$2 | T Fine Min. \$5,000 + MT Restitution = (gross score - 40) ² X \$2 | T Fine Min. \$5,000 + MT Restitution = (gross score - 100) ² X \$2 | | |
| KY | ES \$563 (RC) + ES \$500 | ES \$753.84 (RC) + MT value = (gross score - 100) ² X \$1.65 | ES \$1,000 (RC) + ES \$1,000 | ES \$1,788.91 (RC) + MT value = (gross score - 255) ² X \$1.65 | | | | |
| MA | ES \$200+ | ES \$300+ | ES \$300+ | | | | | |

| Mtn. Lion | Mtn. Goat | Bison | Wolf | Caribou | Grizzly Bear/ Brown Bear | Columbia Black-tailed Deer | Coues White-tailed Deer | Sitka Black-tailed Deer | Muskox |
|----------------------------------------------------------|-----------------|---------------------------------------------------|----------|-----------------|-----------------------------|----------------------------------------------------------------|----------------------------------------------------------------------------------------|-------------------------|------------|
| | ES \$800 | ES \$1,300 | ES \$500 | ES \$850 | ES \$1300 | | | ES \$400 | ES \$3,000 |
| ES \$1,000-\$5,000, value \$2,500; but as low as \$0, JD | | | | | | | | | |
| ES Min. \$1500, 2nd \$3,000, 3rd \$4,500 | | ES is T, Min. \$8,000, 2nd \$16,000, 3rd \$24,000 | | | | | F & MNT Min. \$1,500, 2nd \$3,000, 3rd \$4,500; MT \$8,000, 2nd \$16,000, 3rd \$24,000 | | |
| N/A (Specially protected sp.) | | | | | | MT Rec. \$5,000-\$40,000, or jail for no > 1 year, or both, JD | | | |
| N/A | ES (T) \$10,000 | | | | | | | | |
| | | ES \$2,500 (NHP) | | | | | | | |
| ES \$400 | ES (T) \$10,000 | | ES \$400 | ES (T) \$10,000 | | | | | |
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Table 1 Continued...

| State | Wild Turkey | White-tailed Deer | Black Bear | Elk | Pronghorn Antelope | Mule Deer | Moose | Bighorn, Desert, Dall's Sheep |
|-----------------|----------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------------------------------------------------------------------------------|
| MD | ES \$500 | A- \$300-\$500 or 40 hrs CS, MNT \$2,000-\$5,000 + CS, MT \$5,000-\$10,000 + CS | ES \$500 | | | | | |
| ME | ES \$500 | N/A | N/A | | | | N/A | |
| MI | ES \$1,000 + Bearded \$1,000 | ES MNT \$1,000; MT \$1,000 + pt \$ (8-10 = \$500/pt; 11+ = \$750/pt) | ES \$3,500 | ES \$5,000 + MT 8-10 points \$250/pt., MT 11 or more pts. \$500/pt. | | | ES \$5,000 + M \$5,000 (NHP) | |
| MT | ES \$25 | A- \$300; MNT \$500; MT \$8,000 | ES \$1,000 | ES NT \$1,000; MT \$8,000 | Hornless (<4") \$300; MNT \$500; MT \$2,000 | A- \$300; MNT \$500; MT \$8,000 | ES NT \$1,000; MT \$6,000 | ES NT \$2,000; MT \$30,000 |
| NC | ES \$1,617 | ES \$602 | ES \$2,232 | ES \$2,500 | | | | |
| NH ^p | ES \$200 | ES \$250 | ES \$1,000 | | | | ES \$1,000 | |
| NJ ^c | N/A | N/A | N/A | | | | | |
| NM | ES NT \$150 or MT \$500 | ES NT \$250 or MT \$2,000, \$4,000, \$6,000 or \$10,000 | ES \$500 | ES NT \$500 or MT \$2,000, \$4,000, \$6,000, \$8,000 or \$10,000; if score > 399.9 points, director may pursue civil liability > \$10,000 | ES NT \$250 or MT: \$2,000, \$4,000, \$6,000 or \$8,000 | ES NT \$250 or MT \$2,000, \$4,000, \$6,000 or \$10,000; if score > 214.9 points, director may pursue civil liability > \$10,000 | | ES NT \$1,000 or MT \$5,000 or \$10,000; if score > 180 points, director may pursue civil liability > \$10,000 |
| OH | M Adult \$750; Hen or juvenile M \$500 | A- \$250; A+ NT \$500; T = ((gross score-100) ² X \$1.65) + base value (min. \$500) | ES \$2,500 (endangered) | | | | | |
| OK | ES \$250-\$500 | F \$1,000-\$1,500; MNT \$1,500-\$2,000; MT \$2,000-\$5,000 | FNT \$1,500-\$2,500; MNT \$2,000-\$3,000; ES T \$2,000-\$5,000 | F \$1,500-\$2,500; MNT \$2,000-\$3,000; MT \$2,000-\$5,000 | F \$1,000-\$1,500; MNT \$1,500-\$2,000; MT \$2,000-\$5,000 | F \$1,000-\$1,500; MNT \$1,500-\$2,000; MT \$2,000-\$5,000 | ES \$2,000-\$5,000 (NHP) | ES \$2,000-\$5,000 (NHP) |
| OR | ES \$1,000 | ES NT \$1,000 or MT \$7,500 | ES \$7,500 | ES NT \$5,000 or MT \$15,000 | ES NT \$1,000 or MT \$7,500 | ES NT \$1,000 or MT \$7,500 | A-\$10,000; A+\$50,000 | ES NT \$10,000 or MT \$50,000 |
| PA | ES \$300 | ES \$800 or MT \$5,000 | ES \$1,500 or ES T \$5,000 | ES \$1,500 or MT \$5,000 | | | | |
| SC | ES \$500 | ES \$200 | ES \$1,500 | | | | | |
| SD ^d | ES \$200 | ES NT \$1,000; MT \$2,000 - \$5,000 | | ES NT \$5,000; MT \$6,000 - \$10,000 | ES NT \$1,000; MT \$2,000 - \$5,000 | ES NT \$1,000; MT \$2,000 - \$5,000 | | ES \$10,000 |

| Mtn. Lion | Mtn. Goat | Bison | Wolf | Caribou | Grizzly Bear/ Brown Bear | Columbia Black-tailed Deer | Coues White-tailed Deer | Sitka Black-tailed Deer | Muskox |
|-----------------------------------------------------------------------|---------------------------------|------------|------------|------------|-----------------------------|-----------------------------|---------------------------------------------------------|-------------------------|--------|
| | | | | | | | | | |
| | | | ES \$1,500 | | | | | | |
| ES \$500 | ES (T) \$6,000 | ES \$500 | ES \$1,000 | ES \$1,000 | ES (T) \$8,000 (NHP) | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| ES \$500 | | ES \$600 | | - | | | ES NT \$250 or MT \$2,000, \$4,000, \$6,000 or \$10,000 | | |
| | | | | | | | | | |
| FNT \$1,500-\$2,500; MNT \$2,000-\$2,500; Any T \$2,000-\$5,000 (NHP) | | | | | | | | | |
| ES \$7,500 | ES NT \$10,000 or ES T \$50,000 | | ES \$7,500 | | | ES NT \$1,000 or MT \$7,500 | | | |
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| ES \$5,000 | ES \$10,000 | ES \$5,000 | | | | | | | |

Table 1 Continued...

| State | Wild Turkey | White-tailed Deer | Black Bear | Elk | Pronghorn Antelope | Mule Deer | Moose | Bighorn, Desert, Dall's Sheep |
|-----------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| TN ^b | ES not < \$1,000 | A- & MNT not < \$1,000; not < \$1,000 + \$500/pt (8-10 pts); not < \$1,000 + \$750/pt (11 or > pts) | ES & for each orphaned bear cub not < \$5,000 | A- & MNT not < \$1,500; not < \$1,500 + \$500/pt (8-10 pts); not < \$1,500 + \$750/pt (11 or > pts) + cost reintro. | | | | |
| TX | ES \$881.50 | F \$273.50, M \$881.50 + MT ((gross score - 100) ² X \$1.65) | ES \$4,780.50 (NHP - T sp.) | | ES \$881.50 + MT ((gross score - 40) ² X \$2.00) | F \$881.50, M \$1,929.50 + MT ((gross score - 110) ² X \$1.00) | | Desert BHS: F \$4,780.50, M \$11,907.50 + MT ((gross score - 100) ² X \$11.70) |
| UT | ES sugg. min. \$100 | | ES sugg. min. \$1,000 | ES sugg. min. \$750 or T min. \$8,000 | ES sugg. min. \$400 or T min. \$2,000 | ES sugg. min. \$400 or T min. \$8,000 | ES sugg. min. \$1,000 or T min. \$6,000 | ES sugg. min. \$1,000 or T min. \$30,000 |
| VA | ES \$500 | ES NT \$500; MT depending on msmt. \$1,000, \$1,500, \$2,000, or \$2,500; subsequent violations X 2 amt. | ES \$3,000 | ES NT \$5,000; MT \$7,500 (NHP) | | | | |
| VT | ES \$200 - \$2,000 1st offense, \$500 - \$2,000 subsequent offense[s] | ES \$200 - \$2,000 1st offense, \$500 - \$2,000 subsequent offense[s] | ES \$200 - \$2,000 1st offense, \$500 - \$2,000 subsequent offense[s] | | | | ES \$200 - \$2,000 1st offense, \$500 - \$2,000 subsequent offense[s] | |
| WI | ES \$175 | ES \$43.75 | ES \$175 | ES \$2,000 (NHP) | | | ES \$262.50 | |
| WV | ES \$100 | ES \$200 + MT depending on msmt. \$1,000, \$1,500, \$2,000 or \$2,500 | ES \$500 | ES \$4,500 (NHP) | | | | |
| WY | ES Rec. \$500, JD | ES Rec. \$4,000, JD | ES Rec. \$5,000, JD | ES Rec. \$6,000, JD | ES Rec. \$3,000, JD | ES Rec. \$4,000, JD | ES Rec. \$7,500, JD | ES Rec. \$15,000, JD |

Total ST's w/ \$ penalties

30 28 26 23 14 14 13 13

Key: ES either-sex, M male, F female, NT non-trophy, T trophy, FMV fair market value, A- antlerless, A+ antlered, NHP non-huntable population, JD judge's discretion, RC recovery cost; CS community service

^aFor each additional animal of the same category killed during a 12 month period, the amt. doubles from the amt. for each animal previously.

^bDid not participate in interviews. Data obtained online.

^cRestitution values and criteria not yet established.

^qIf a person has taken > 2x's the lawfully daily limit, such person is liable for twice the damages.

| Mtn. Lion | Mtn. Goat | Bison | Wolf | Caribou | Grizzly Bear/ Brown Bear | Columbia Black-tailed Deer | Coues White-tailed Deer | Sitka Black-tailed Deer | Muskox |
|-----------------------------------|-----------------------------------------------|-----------------------------------------------|----------------------------|---------|-----------------------------|----------------------------|-------------------------|-------------------------|--------|
| | | | | | | | | | |
| ES \$881.50 (non-game species) | | | | | | | | | |
| ES sugg. min. \$350 | ES sugg. min. \$1,000 or T min. \$6,000 | ES sugg. min. \$1,000 or T min. \$6,000 | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | ES \$87.50 (relisted E) | | | | | | |
| | | | | | | | | | |
| ES Rec. \$5,000, JD | ES Rec. \$12,500, JD | ES Rec. \$6,000, JD | ES Rec. \$1,000, JD | | ES Rec. \$25,000, JD | | | | |

11 8 8 7 3 3 2 2 1 1

Table 2: State restitution programs and trophy criteria, if applicable.

| ST | "Restitution" Described as | ES | T | MS | Type Measuring System (MS) | Description of Criteria to Determine Trophy Restitution |
|----|---------------------------------------|----|---|----|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AK | Restitution | Y | N | N | N/A | N/A |
| AZ | Civil Liability / Recovery of Damages | Y | Y | Y | P&M | MD buck with at least 4 pts on 1 antler, not including eye guard pt; WTD buck with at least 3 pts on 1 antler not including eye-guard pt; bull elk with at least 6 pts on 1 antler, INCLUDING the eye-guard pt & the brow tine pt; pronghorn buck with at least 1 horn ≥ 14" in total length; any bison or BHS. |
| AR | Restitution | Y | N | N | N/A | N/A |
| CA | Penalty Enhancement ^a | N | Y | Y | P&M | In deer hunting zones A, all B zones, D10, D11, D13, D15, D16 any deer with ≥ 4 pts on either antler, excluding eye guards, or with an outside antler spread of at least 16". In all other deer hunting zones, any deer with ≥ 4 pts on either antler, excluding eye guards, or with outside antler spread of at least 24". Any elk with ≥ 5 pts on either antler, including eye guards. Any pronghorn with a horn that is at least 14" in length. Any BHS ram having at least 1 horn, the tip of which extends beyond a point in a straight line beginning at the front (anterior) edge of the horn base and extending downward through the rear edge of the visible portion of the eye and continuing downward through the horn. All reference pts are based on viewing the ram directly from a 90 degree angle from which the head is facing. Any wild turkey with either a spur that is at least 1" in length or a beard that is ≥ 8". A pt is a projection of the antler at least 1" long & longer than the width of its base. Additional measuring standards are described in Section 748.6, Title 14, CCR. |
| CO | Further Penalty (Trophy) ^a | Y | Y | Y | P&M | Elk with at least 6 pts on 1 antler beam; MD buck with an inside antler spread at least 22"; WTD buck with an inside antler spread of at least 18"; pronghorn with a horn length of at least 14"; BHS with a horn length of at least 1/2 curl; MG = ES, and any bull moose. An antler point is a projection of an antler that is at least one inch long and longer than the width of the base of such projection. |
| GA | Restitution ^a | Y | N | N | N/A | N/A |
| ID | Reimbursable Damages | Y | Y | Y | B&C and M | A score shall be determined from the antlers of the MD, WTD or elk as measured by the copyrighted B&C scoring system. The highest of the typical or non-typical scores shall be used for determining the total score. Bull elk scoring > 300 pts, MD buck scoring > 150 pts, WTD buck scoring > 130 pts, BHS = any ram, MG = ES, pronghorn is any buck with at least 1 horn exceeding 14", caribou = ES, and moose = any bull |
| IL | Fair Market Value or Replacement Cost | Y | N | N | N/A | N/A |
| IN | Reimbursement | Y | N | N | N/A | N/A |
| IA | Damages / Reimbursement | Y | Y | Y | B&C | WTD ≤ 150" = \$2,000 - \$5,000 + 80 hours community service (CS), or in lieu of CS = \$4,000 - \$10,000. WTD >150" gross = \$5,000 - \$10,000 and 80 hours CS, or in lieu of CS = \$10,000 - \$20,000. |
| KS | Restitution (+ Trophy Fine) | N | Y | Y | B&C (restitution) & P&M (trophy fine) | RESTITUTION: Gross score > 125" for deer, 250" for elk and 75" for antelope. The gross score shall be determined by taking measurements as provided by rules and regulations of the secretary, which shall be made to the nearest 1/8 of an inch using a 1/4 inch wide flexible steel tape. No drying time is required. TROPHY FINE: Antlered WTD with inside spread of at least 16"; antlered MD with inside spread of at least 20"; elk with at least 6 pts on 1 antler; antelope having at least 1 horn > 14" in length. Definitions of measurements are state regulations and are described in 115-4-15. |
| KY | Restitution (+ Replacement Cost) | Y | Y | Y | B&C | RESTITUTION: The gross score of an antlered WTD or elk shall be calculated in accordance with B&C measuring system & shall be taken by an official B&C measurer. Calculating the gross score at any time, with no drying time required. WTD with a gross score of more than 125" and elk > 280". REPLACEMENT COST: ES value determined by agency wildlife division and not associated with a measurement--it is a set \$ amount described in Table 1. |
| ME | Additional Fine ^a | Y | N | N | N/A | N/A |
| MD | Restitution | Y | Y | Y | B&C | Each antlered WTD ≤ 150" gross score as measured by B&C scoring system shall pay not < \$2,000 but not exceeding \$5,000 + 80 hours CS; WTD ≥ 150" \$5,000 - \$10,000 + 80 hours CS. (Restitution applies to Sika deer as well, but introduced species from Asia and therefore not included in the research analysis.) |
| MA | Restitution | Y | N | N | N/A | N/A |
| MI | Reimbursement / Restitution | Y | Y | Y | P | Antlered WTD with at least 8 pts but not more than 10 is an additional \$500/pt; 11 pts or more = \$750/pt. Antlered elk with 8-10 pts = \$250/pt; \$500/pt for 11 or more. No measurement on turkey or bear, but if male turkey add additional \$1,000; moose ES = \$5,000 and if it has antlers it doubles to \$10,000 (non-hunttable population). A pt is a projection on the antler at least 1 inch long as measured from its tip to the nearest edge of the antler beam. |
| MT | Restitution | Y | Y | Y | B&C or P&M | Antelope with at least 1 horn > 14" in length, as measured along the outside curve from base to tip. Elk must meet all 3 criteria: 1. at least 6 pts on 1 antler, 2. a main beam length on each antler of at least 43", and 3. an inside spread of at least 36" OR any elk with at least 1 six pt antler AND having a gross/green B&C score of 320 pts or >. MD must meet all 3 criteria: 1. at least 4 pts on 1 antler (excluding brow tine), 2. a main beam length on each side of at least 21", and 3. a greatest inside spread across the main beams of at least 20" OR any MD with at least one 4-pt antler and having a gross/green B&C score of 160 pts or >. WTD must meet all 3 criteria: 1. at least 4 pts on 1 antler (excluding brow tine), 2. a main beam length on each side of at least 20", and 3. a greatest inside spread across the main beams of at least 16" OR any WTD with at least one 4-pt antler and having a gross/green B&C score of 140 pts or >. A pt is at least 4" long for elk and at least 1" long for deer, measured from base to tip. B&C measuring procedures or standards are used for criteria measurement. The official measurement for the purpose of this regulation are those that are taken at the time of confiscation or seizure of the trophy. Any B&C measurements will be considered final when taken by an official B&C scorer, regardless of drying time. If the skullcap of antlers or horns is broken in such a manner to render an official B&C score invalid, 3 official B&C scorers will estimate a score. The 3 scores will be averaged and the average score used to determine trophy status. BHS with at least 1 horn ≥ 3/4 curl as defined by commission regulation, grizzly bear = ES, and MG = ES. |

| ST | "Restitution" Described as | ES R | T R | MS | Type Measuring System (MS) | Description of Criteria to Determine Trophy Restitution |
|-----------------|----------------------------------|---------|--------|----|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NH ^b | Restitution | Y | N | N | N/A | N/A |
| | | | | | | Scoring shall mean the method of measure adopted and utilized by SCI that determines the size of antlers, heads of horns of a game animal that has two antlers or horns. Antelope: 1) buck with at least 1 or 2 horns that is 14" in length = \$2,000, 2) buck scoring 70 - 75.9 pts = \$4,000, 3) buck scoring 76 - 79.9 pts = \$6,000, 4) buck scoring 80 pts or > = \$8,000. BHS: 1) ram < 150 pts = \$5,000, 2) ram scoring 150 - 180 pts = \$10,000. MD: 1) buck with inside antler spread at least 20" = \$2,000, 2) scoring 150 - 174.9 = \$4,000, 3) scoring 175 - 199.9 = \$6,000, 4) scoring 200.0 - 214.9 = \$10,000. WTD: 1) buck with an inside antler spread that measures at least 16" = \$2,000, 2) scoring 125 - 144.9 = \$4,000, 3) scoring 145 - 164.9 = \$6,000, 4) scoring 165 - 199.9 = \$10,000. Cous WTD: 1) buck with an inside antler spread that measures at least 10" = \$2,000, 2) scoring 85 - 99.9 = \$4,000, 3) scoring 100 - 114.9 = \$6,000, 4) scoring 115 - 129.9 = \$10,000. Elk: 1) any bull with at least 6 antlered points on 1 of 2 sides = \$2,000, 2) scoring 280 - 299.9 = \$4,000, 3) scoring 300 - 319.9 = \$6,000, 4) scoring 320 - 349.9 = \$8,000, 5) scoring 350 - 399.9 = \$10,000. Headless game animal: any game animal shall be valued at their minimum trophy amount. Turkey: 1) any tom that has at least a 10" or longer beard = \$500, 2) any tom that has at least 1 foot-spur that is 1" or > in length = \$500. |
| NM | Civil Liability | Y | Y | Y | SCI & P&M | |
| NC | Replacement Cost | Y | N | N | N/A | N/A |
| OH | Restitution | Y | Y | Y | B&C | B&C criteria but not stated in 1531.201; however, B&C is mentioned in the Wildlife Value Formula worksheet. An antlered WTD with a gross score > 125". |
| OK | Restitution / Replacement Values | Y | Y | Y | B&C | Measurements and/or scores are based on the gross score of the B&C scoring system. WTD ≥ 135" typical, ≥ 150" non-typical; MD ≥ 150" typical, ≥ 175" non-typical; antelope ≥ 60"; BB ≥ 15"; Elk ≥ 200" typical, ≥ 250" non-typical; ML ≥ 10", and ES BHS and moose. |
| OR | Recovery of Damages | Y | Y | Y | P&M | A pt must be at least 1", measured from the main beam of the antler to the tip of the pt. The horn length must be measured from the base of the hairline to the tip of the horn. Each deer with at least 4 pts on one antler; antelope at least one horn ≥ 14"; BHS at least one horn ≥ 1/2 curl; MG at least one horn ≥ 6"; elk at least 6 pts on 1 antler; any antlered moose |
| PA | Replacement Cost | Y | Y | Y | B&C & Weight | Each elk with a B&C green score of ≥ 200 points = \$5,000; each WTD with B&C green score ≥ 115 pts = \$5,000, and each BB with a field dressed weight of ≥ 350 lbs. = \$5,000. |
| SC | Restitution | Y | N | N | N/A | N/A |
| SD | Civil Damage | Y | Y | Y | B&C & M | Trophy pronghorn with at least 1 horn > 15" in length as measured along the outside curve from base to tip; any MD having a B&C gross score ≥ 160 pts; any WTD having a B&C gross score ≥ 140 pts; any elk having a B&C gross score ≥ 310 pts. The B&C score shall be determined using a B&C official scoring system. For purposes of this section, antlers or skulls may be measured at any time, and no drying period is required. |
| TN ^b | Restitution | Y | Y | Y | P | WTD: with at least 8 but not > 10 pts (not < \$1,000 + \$500/pt), with at least 11 pts (not < \$1,000 + \$750/pt). Elk: with at least 8 but no > 10 antler pts (not < \$1,500 + \$500/pt), with 11 or more pts (not < \$1,500 + \$750/pt). BB: ES, and for each bear cub that is orphaned |
| TX | Restitution / Recovery Value | Y | Y | Y | B&C | The recovery value for WTD, MD, antelope and BHS shall be derived from the gross B&C score plus the value derived using formulas described in Table 1. WTD > 100", MD > 110", pronghorn > 40", and BHS > 100" |
| UT | Restitution | Y | Y | Y | P&M | MD: a buck with an outside antler measurement of 24" or >; elk: a bull with 6 pts on at least one side; bighorn, desert or rocky mountain sheep: a ram with a curl exceeding half curl; moose-a bull with at least one antler exceeding 5" in length; MG: a male or female; pronghorn: a buck with horns exceeding 14"; bison: any bull |
| VT | Restitution | Y | N | N | N/A | N/A |
| VA | Replacement Value | Y | Y | Y | P&M | WTD with inside spread of main beams measured at widest pt = 14" or < 16" (\$1,000); = 16" or < 18" (\$1,500); = 18" or < 20" (\$2,000); = 20" or > (\$2,500); any person convicted of 2nd or subsequent violation taking a deer ≥ 14" is subject to double the replacement cost. A trophy elk = one antler with 2 or more pts (non-hunttable population). Currently the state does not have a definition of a "pt" for determining replacement values. The trophy elk replacement is based on anything above a spike which is defined as a bull with antlers visible above the hairline. |
| WV | Replacement Cost | Y | Y | Y | M | Any deer with inside spread of the main beams measured at the widest point ≥ 14" but < 16" (\$1,000); ≥ 16" but < 18" (\$1,500); ≥ 18" but < 20" (\$2,000); ≥ 20" (\$2,500); subsequent violations subject to double the range |
| WI | Wild Animal Protection Surcharge | Y | N | N | N/A | N/A |
| WY | Restitution | Y | N | N | N/A | N/A |

KEY: B&C = Boone and Crockett Club, SCI = Safari Club International, P = total points, M = measurements (other than official), P&M = total points &/or measurement (other than official), ES = either-sex, MS = measuring system, T = trophy, R = Restitution, BB = black bear, MD = mule deer, BTD = black-tailed deer, WTD = white-tailed deer, MG = mountain goat and BHS = bighorn sheep

^a Restitution includes subset of big game species in state.

^b Participated only in survey, information obtained online.

Table 3: State authority and process to amend or implement restitution programs for illegally taken big game species.

| State | Authority |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AK, AL, CO, CT, FL, GA, IA, ID, IL, IN, KS, MA, ME, MI, NY, OK, OR, SD, UT, VT, WI, WV, WY | Legislature, but in some states, such as SD and OK, agency personnel provide recommendations to the courts on the restitution/replacement costs within a range identified in code or statute by the legislature. |
| AR | Fish & Game Commission - they are a constitutionally independent agency and have a code book of the AR Fish and Game Commission that includes restitution. |
| AZ | Legislature, but the agency has authority to bring civil action against a person that has unlawfully taken or wounded wildlife. The recovery of damages in the statute are minimums and the agency can go above the minimum. |
| CA | The Fish and Game Commission has legislative authority to determine recommended monetary values/ranges for enhanced penalties associated with the illegal take of certain big game species. The Commission adopts regulations to establish the recommended ranges, which goes through a public process. |
| DE | Legislatures if it is put in statute, and Agency authority if it only is a regulation. |
| KY | The authority for the agency to recover replacement costs was established in state statute by the legislature. The monetary amounts were/are determined by the agency (wildlife division). However, the additional restitution is a civil penalty, with the criteria and values determined by the legislature with extensive agency input. |
| MD | MD General Assembly (Legislature) determined the monetary ranges and measuring criteria for trophy restitution of deer only. The Department has the authority to adopt regulations to implement the trophy restitution law. The Department also has the authority to establish restitution values for other species of wildlife. The Department has established values for certain species under the Code of MD Regulations. |
| MO | The Conservation Commission makes a ruling. The legislature does not oversee wildlife code in MO. After the Conservation Commission, it would go out for public comment and then it goes to the Secretary of State, and if signed, it then becomes law. The agency would include the legislatures but they do not need their permission. |
| MT | Restitution amounts are set by the legislature in statute but the legislature granted to the Commission the authority to define what constitutes a trophy. |
| NC | NC Administrative Code for restitution values - it is a Rule. To institute trophy restitution, it would have to go through the legislature for it to be a law, but it also could become a rule. Rules have to go through a Rules Committee and an extensive public process. |
| NJ | Legislature passed law in 1990 allowing for restitution of illegally taken wildlife, but the Commissioner of the Department of Environmental Protection has never established the replacement values as called for in the law. |
| NM | The legislature granted the NM State Game Commission authority to determine criteria and make changes to the civil penalty. |
| OH | The Wildlife Council approves the administrative code (agency rules) for the base rate of wildlife. The agency develops the code and then gets approval from the Wildlife Council, and they also have to be approved by the state house Joint Committee on Agency Rule Review. The Wildlife Council has the ability to approve restitution levels as part of the administrative rule making process. Revised code is set by legislatures and includes the antler criteria. |
| PA | The Board of Commissioners can pass laws as part of regulation code, and passed a law to charge for wildlife killed. The Commission can adjust replacement costs and determine a scoring system for trophy class animals. |
| RI | Agency to the Director with public process |
| SC | Legislature, but no permission needed from the legislature to make changes to the SE Average - Commission authority |
| TX | TX Parks and Wildlife Commission - civil restitution is granted under expressed authority in the Parks and Wildlife code & the Commission sets those levels. The agency evaluates the values annually and updates if needed. |
| VA | Legislature, but agency is able to set restitution values. |