

# Senate Energy and Natural Resources Committee

*Max Taylor 271-1403*

**HB 655-FN**, relative to fish and game violations and permits.

**Hearing Date:** March 25, 2025

**Time Opened:** 9:52 a.m.

**Time Closed:** 10:02 a.m.

**Members of the Committee Present:** Senators Avard, Pearl, McConkey, Watters and Rosenwald

**Members of the Committee Absent :** None

**Bill Analysis:** This bill:

I. Increases the restitution for the illegal taking or possession of certain animals, and make such restitution mandatory.

II. Allows for an increased hunting license suspension for a third violation of a fish and game law or regulation.

III. Establishes a class A misdemeanor penalty for a third-offense violation of fish and game offenses that carry a license suspension penalty.

IV. Removes the requirement that a crossbow permit issued for certain persons with a disability be perpetual.

This bill is at the request of the fish and game commission.

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**Sponsors:**

Rep. Spillane

Rep. Cole

Rep. Darby

Rep. Edwards

Rep. Khan

Rep. Love

Rep. Popovici-Muller

Rep. Ouellet

Sen. Gannon

Sen. Sullivan

Sen. Watters

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**Who supports the bill:** Representative James Spillane (Rockingham District 2), Colonel Kevin Jordan (NH Fish & Game), Kyle Baker (NH Wildlife Federation), Representative Daniel Popovici-Muller (Rockingham District 17), Representative David Love (Rockingham District 13)

**Who opposes the bill:**

**Who is neutral on the bill:**

## **Summary of testimony presented in support:**

### **Representative James Spillane**

#### **Rockingham District 2, Prime Sponsor**

- Representative Spillane introduced HB 211-FN, stating it is a housekeeping bill requested by the Department of Fish & Game, aimed at updating outdated restitution fees for illegal wildlife kills.
- He explained the bill changes restitution from a “may pay” to a “shall pay” system, ensuring mandatory payments when someone is convicted of illegally taking wildlife.
- He stated the bill also increases penalties and license suspension times for repeat offenders, to deter poaching.
- Representative Spillane highlighted that an amendment was added to fix an issue involving crossbow permits for people with permanent disabilities.
- He explained that previously the permit was issued “in perpetuity,” which unintentionally prevented hunters from switching back to regular bows if they recovered.
- He stated the amendment removes that language, allowing people to return to traditional bow-hunting if their condition improves.
- Senator McConkey asked if people with permanent disability permits would still avoid needing to re-certify every year.
  - Representative Spillane confirmed the disability permit would remain valid permanently.
- Senator Pearl asked if changing “may” to “shall” for restitution could force judges to apply penalties even in accidents.
  - Representative Spillane explained that in accidents, Fish & Game typically use discretion and does not bring those to court. The mandatory restitution only applies if a case is prosecuted.
- Senator Pearl asked if a person who recovers from injury then re-injures themselves could get another crossbow permit.
  - Representative Spillane stated the person could be reissued a permit if needed in the future.
- Senator Rosenwald asked if people with crossbow disability permits still need to buy a license each year.
  - Representative Spillane clarified that hunters must still buy their hunting license and archery license annually unless they have a lifetime license, though even then, some tags still must be purchased yearly.

### **Colonel Kevin Jordan**

## **New Hampshire Fish & Game**

- Colonel Jordan explained HB 655-FN originated from frustration expressed by the Commissioner of Fish & Game regarding repeat wildlife offenders receiving the same \$240 fine each time they illegally killed an animal.
- Colonel Jordan stated Fish & Game recommends increasing restitution amounts and changing the law from “may pay” to “shall pay” so that courts must order restitution. Additionally, the restitution money would go directly back to the department to support wildlife and habitat.
- He explained the bill also creates habitual offender status for people who repeatedly violate hunting laws, such as a 1-year license suspension for first time offenders, a 3-year suspension after a second offense within 5 years, and additional penalties for habitual offenders.
- Colonel Jordan explained that Fish & Game uses technology and search warrants to investigate older cases and identify repeat offenders.
- He stated HB 655-FN also fixes an issue with crossbow permits for individuals with disabilities.
- He explained that currently, once someone is approved for a crossbow permit due to a permanent injury, they are not allowed to switch back to using a regular bow, even if their condition improves.
- He stated the bill removes the phrase “in perpetuity” from the law so that if someone recovers, they can return to using a regular bow. Additionally, he stated Fish & Game supports this change and clarified it would not allow people to go back and forth arbitrarily.
- Senator Watters asked who collects restitution and fines.
  - Colonel Jordan stated the courts collect and forward the money to Fish & Game.
- Senator Watters asked if restitution goes directly to Fish & Game.
  - Colonel Jordan stated the money does go directly to Fish & Game, as it is clearly writing into the bill.
- Senator McConkey asked if the courts keep a portion of the fines.
  - Colonel Jordan stated the courts keep a small amount, less than 20% of the fines.
- Senator McConkey asked if it would be helpful if Fish & Game got a larger share.
  - Colonel Jordan stated it would be helpful if Fish & Game got a larger share.
- Senator Rosenwald shared a story about a gray squirrel getting into her house and asked if she could be fined for “possessing” the squirrel.
  - Colonel Jordan explained that landowners have exemptions when protecting property, and her situation would not be a violation.

**Summary of testimony presented in opposition:** None.

**Neutral Information Presented:** None.

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Date Hearing Report completed: March 28, 2025