# Hunting and Fishing Regulations

Maintaining a Biological Balance in Iowa's Wildlife

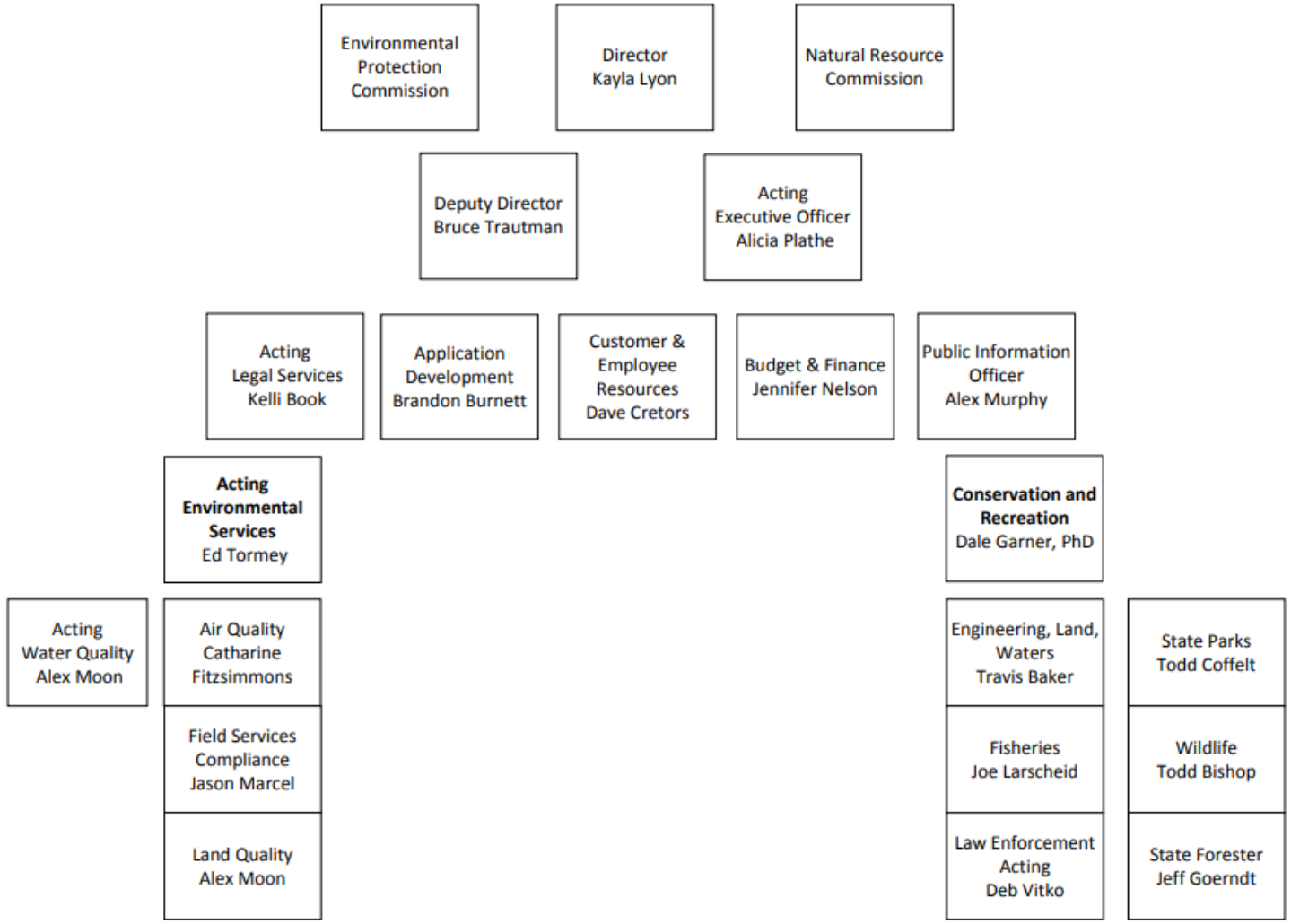
# What We Will Cover

- Agency Overview and Jurisdiction
- Biological Balance Requirement
- Licensing
- Fishing Regulations
- Hunting Regulations
- Violations and Penalties

# Agency Overview and Jurisdiction

# Iowa Department of Natural Resources

7/11/2019



# Department of Natural Resources Overview

- Director appointed by Governor
- Two divisions:
  - Environmental Services
  - Conservation and Recreation

# Conservation and Recreation Division Overview

- Divided into five bureaus:
  - Fisheries
  - Wildlife
  - Parks
  - Law Enforcement
  - Land and Waters

# Fisheries Bureau Role

- New lake construction
- Fish hatcheries/stocking
- Habitat enhancement
- Recommends fishing regulations

# Lost Grove Lake

# Morse Lake

# Morse Lake

# Wildlife Bureau Role

- Maintains public land to provide habitat for game and nongame wildlife and public hunting and outdoor recreation opportunities
- Employs biologists who provide wildlife habitat assistance to private landowners
- Conducts wildlife restoration programs
- Recommends hunting and trapping regulations

# Union Hills

# Parks Bureau Role

- Operates 71 parks and recreation areas
- Provides camping, cabins/yurts, trails, swimming, boating, fishing, event space
- Honey Creek Resort: lodge, cabins, restaurant, golf course, waterpark
- There are also 10 state forests with about 44,000 acres

# Ledges and McIntosh Woods

# Law Enforcement Bureau Role

- Employs conservation officers
  - Enforce laws relating to hunting, fishing, boating, snowmobiling, and ATVs
  - Provide hunter education and workshops
  - Investigate incidents relating to outdoor recreation

# Land and Waters Bureau Role

- Land acquisition and land management services
- Implements Environmental Review and Sovereign Land Construction Permit Program
- Activities involving state and federal threatened and endangered species
- Coordinates water trail programs

# Natural Resource Commission Overview

- Seven members appointed by Governor for staggered six-year terms
- Must exhibit substantial knowledge of subjects involved with the protection and management of wildlife in the state
- Meet monthly, usually at Wallace building in Des Moines

# Natural Resource Commission Role

- Establish policies and adopt rules relating to fish, wildlife, outdoor recreation, and other natural resources
- Hear appeals in contested cases
- Approve or disapprove acquisition of property for state parks, recreational facilities, and wildlife programs
- Approve the budget proposed by the director
- Determine the fees for licenses and permits
- Approve or disapprove proposals involving lakes, boating facilities, and recreational facilities associated with recreational boating
- Sole agency that determines whether biological balance exists

# Biological Balance Requirement

# Biological Balance Requirement

- 481A.1: Biological balance is the condition when the number of animals present over the long term is at or near the number of animals of a particular species that the available habitat is capable of supporting
- 481A.39: NRC tasked with setting rules to establish seasons, set catch/bag/size/possession limits, and determine territorial limits and make any other taking regulation in accordance with sound fish and wildlife management principles

# Wildlife Under DNR Jurisdiction

- 481A.2: Title and ownership of all fish, mussels, clams, and frogs in any of the public waters of the state and in all ponds, sloughs, bayous, or other land and waters adjacent to any public waters stocked with fish by overflow of public waters and all wild game, animals, and birds—including nests and eggs—and all other wildlife found in the state is declared to be in the state
  - Aquaculture exception
- 481A.3: Conclusive presumption that person who has above-listed wildlife held in violation of law consents that title of such animal shall be and remain in the state
- All about definitions

# Wildlife Under DNR Jurisdiction—Definitions

- 481A.1(36): “Wild animal” means a wild mammal, bird, fish, amphibian, reptile, or other wildlife found in this state, whether game or nongame, migratory or nonmigratory, the ownership and title to which is claimed by this state.
- 481A.1(21):“Game” means all of the animals specified in this subsection except those designated as not protected, and includes the heads, skins, and any other parts, and the nests and eggs of birds and their plumage—Anatidae (e.g., swans, geese, brant, and ducks), Rallidae (e.g., rails, coots, mudhens, and gallinules), Limicolae (e.g., shorebirds, plovers, surfbirds, snipe, woodcock, sandpipers, tattlers, godwits, and curlews), Gallinae (e.g., wild turkeys, grouse, pheasants, partridges, and quail), Columbidae (mourning doves and wild rock doves only), Sciuridae (e.g., gray squirrels and fox squirrels), Leporidae (cottontail rabbits and jackrabbits only), and Cervidae (e.g., elk or deer other than farm deer)

# Wildlife Under DNR Jurisdiction—“Wildlife” and Endangered/Threatened Species

- What does “wildlife” include?
- Different chapter, but section 481B.1 defines “fish or wildlife” as “any member of the animal kingdom….”
- 481B.2: NRC shall perform acts necessary for conservation, protection, restoration, and propagation of endangered and threatened species in cooperation with federal government
- 481B.3: DNR Director shall investigate data to determine management measures for continued sustainability of fish, plants, and wildlife; NRC shall use that data to determine whether any fish, plant, or wildlife not already included on federal lists shall be listed as endangered or threatened within the state
  - NRC shall review lists at least every two years
- 481B.6: NRC may treat a similar unlisted species as threatened or endangered if it closely resembles a listed species

# Wildlife Under DNR Jurisdiction—Protected Nongame Animals

- 481A.42: Protected nongame animals include wild birds, wild bats, wild reptiles, and wild amphibians
  - Includes the eggs, nests, dead bodies or parts of dead bodies of those animals
  - Includes any product made from any of those animals
  - A bat within a building occupied by humans is not protected unless it is an Indiana bat
- Nongame animals do not include game, fish that may be taken pursuant to Code language or rule, fur-bearing animals, turtles, or frogs

# Wildlife Under DNR Jurisdiction—Other Protected Animals

- Game animals
- Fish
- Fur-bearing animals
- Frogs
- Turtles
- Mussels

# Wildlife Under DNR Jurisdiction—Nuisances and other Nonprotected Animals

- 481A.42: NRC may designate an animal as a nuisance due to abundance of the animal or its habits
  - Examples include European starlings, house sparrows, garter snakes, and, depending on location, timber rattlesnakes
- Nonprotected: Animals that are not threatened or endangered, not protected nongame, not in any other category specifically protected
  - Most insects
  - Black bears and mountain lions have been spotted in the state but are not addressed by Code or administrative rule and are not federally protected

# Other Animals

- Agricultural Animals
  - Ch. 170: Farm deer considered livestock subject to regulation by the Department of Agriculture and Land Stewardship (DALS), but DNR regulates if released onto preserve
  - 481A.2: “The title and ownership of all aquatic organisms in aquaculture units and private aquaculture waters shall be in private persons.”
  - Ch. 160: Honeybees (DALS)
- Pets
  - Chs. 162 (shops), 198 (food) (DALS)
  - Local government regulations and private property law
- Service Animals and Assistance Animals
  - Civil Rights Commission—216.8B
- Dangerous Wild Animals
  - Ch. 717F (DALS)

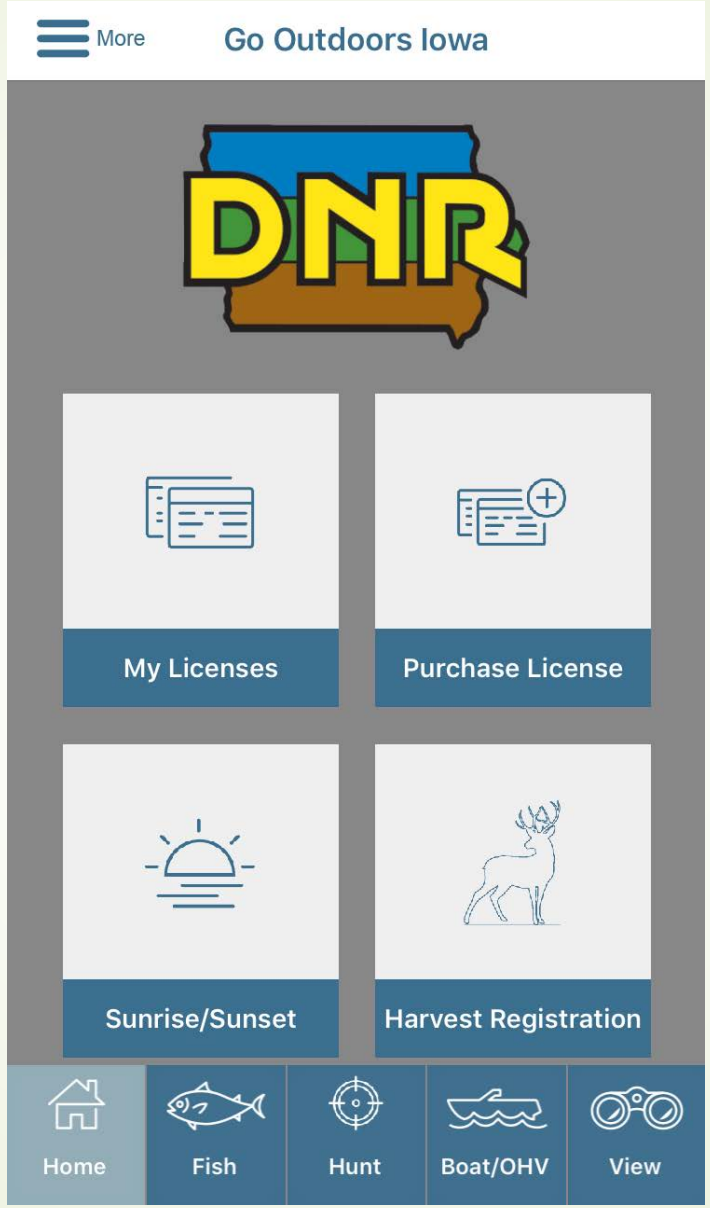
# Licensing

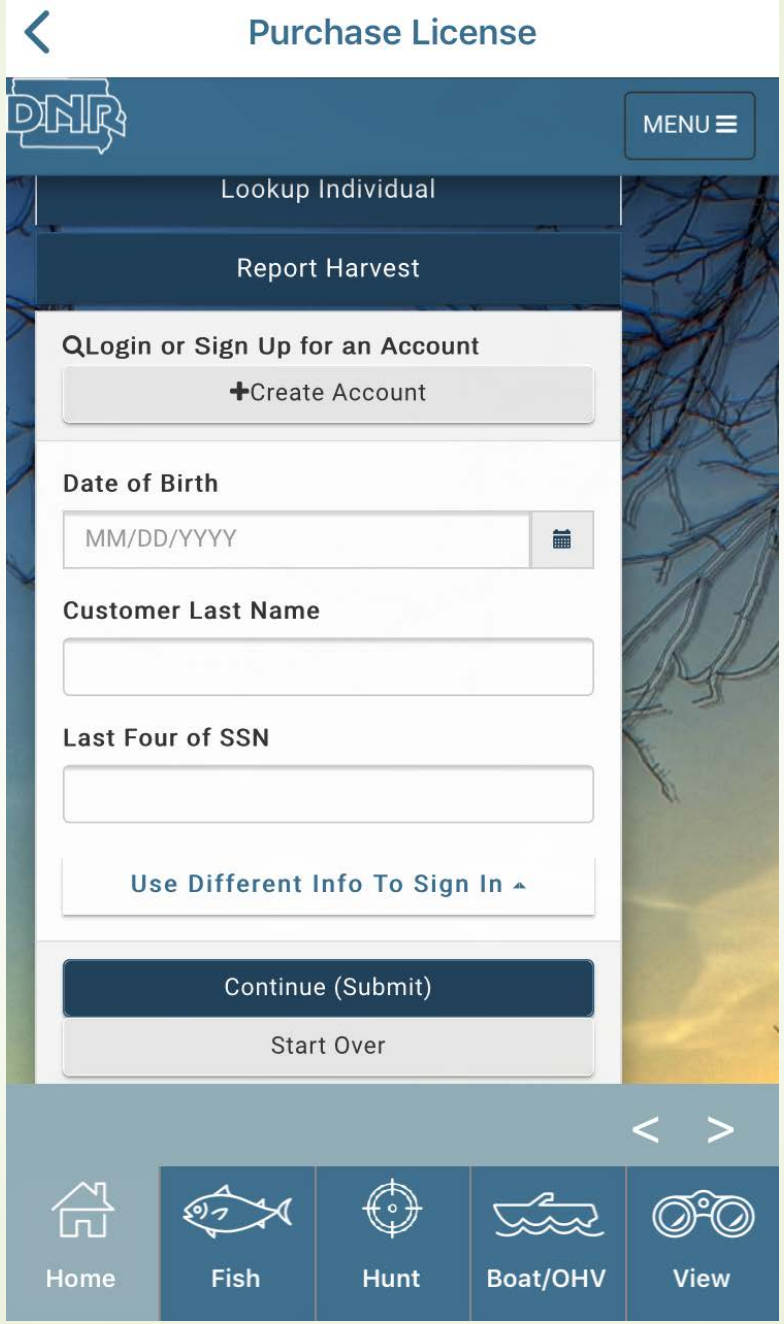
# 2018 License Fee Structure Change

- 2018 Acts ch. 1159 (HF 631)
- Code previously set fees for hunting/trapping/fishing licenses
- Now, NRC adopts rules establishing fees
  - Shall be periodically evaluated not less than once every three years to ensure fees are sufficient to meet needs of natural resource management and the public
  - Beginning 12/15/19, DNR shall file a report by 12/15 of each year that an evaluation of license fees is completed, which shall include the evaluation and recommendations for changes
  - Any proposed fee increase shall not take effect until 12/15 of the succeeding year
  - Any individual license fee shall not be increased in a calendar year by more than 5%

# Go Outdoors Iowa Mobile Application

- Mobile application available on iPhone and Android devices
- 483A.19 requires a person hunting, fur harvesting, or fishing to show license documents to a peace officer or person in control of the land/water the licensee is on when requested
  - Display of the license on the mobile application satisfies this requirement
- 483A.8A requires a person who takes a deer or wild turkey to report the harvest to the NRC
  - 483A.8A(2)(d) allows a person to make such report using an electronic internet communication
  - A person may make the report using the mobile application; even if the person is not in an area with internet service when submitting the report, the application will automatically send the report once connected to the internet


More
Go Outdoors Iowa
DNR
My Licenses
Purchase License
Sunrise/Sunset
Harvest Registration
Home
Fish
Hunt
Boat/OHV
View


Purchase License
MENU
Lookup Individual
Report Harvest
Login or Sign Up for an Account
Create Account
Date of Birth
MM/DD/YYYY
Customer Last Name
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Use Different Info To Sign In
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Home
Fish
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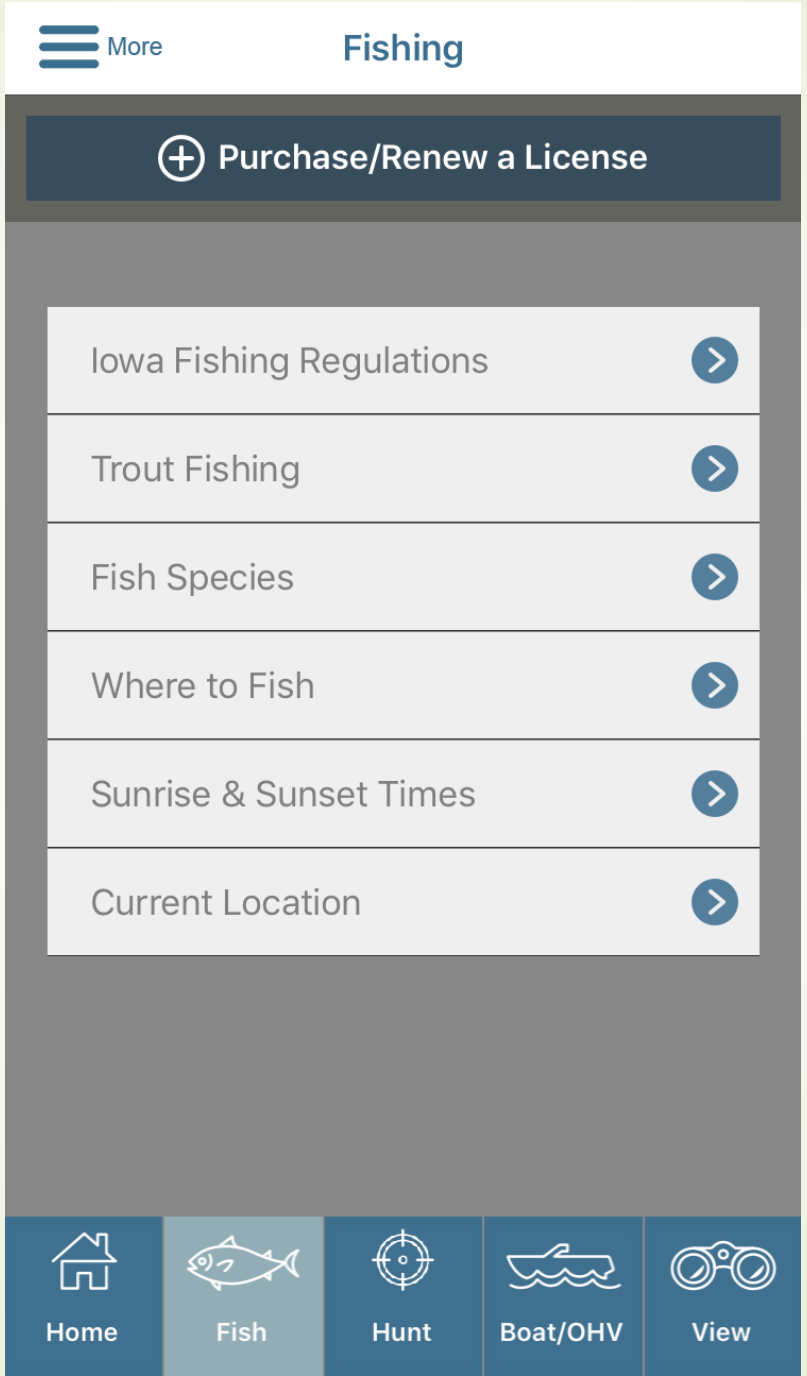
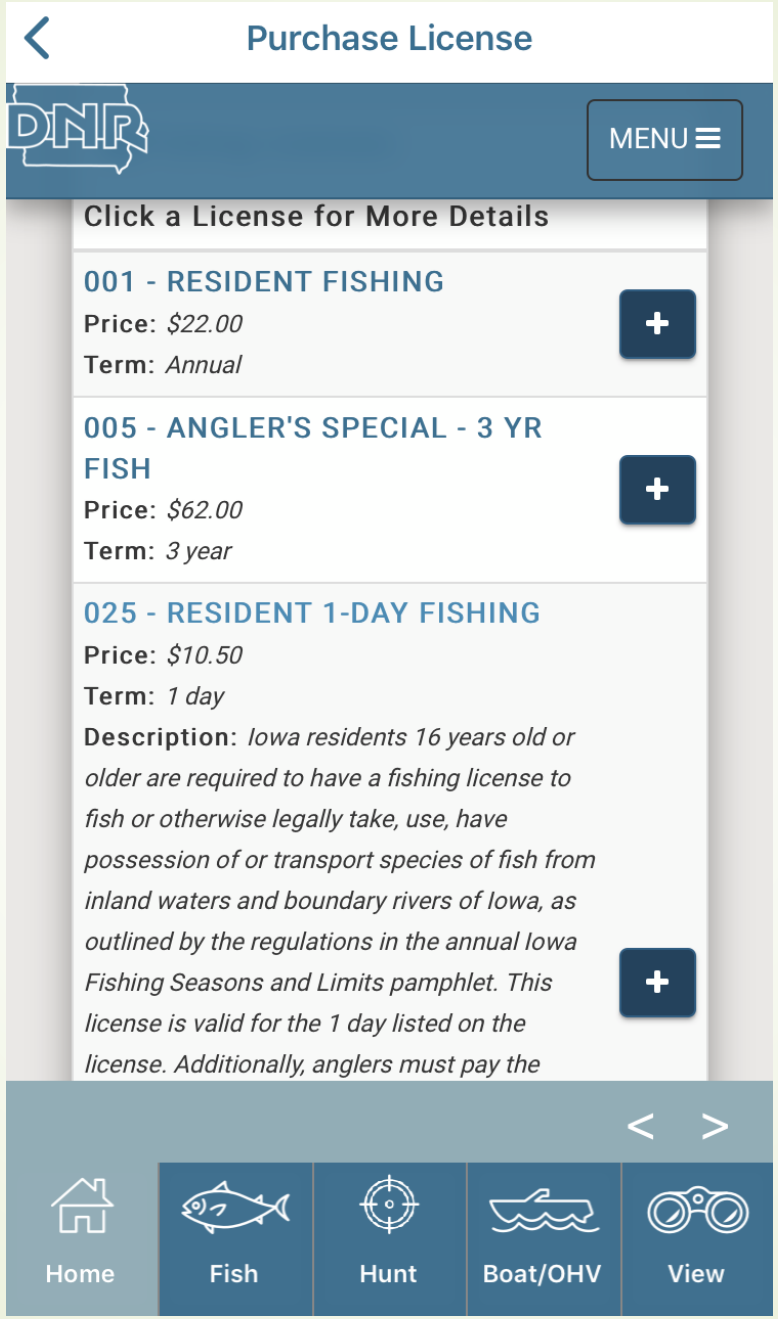

More
Fishing
Purchase/Renew a License
Iowa Fishing Regulations
Trout Fishing
Fish Species
Where to Fish
Sunrise & Sunset Times
Current Location
Home
Fish
Hunt
Boat/OHV
View


Purchase License
MENU
Click a License for More Details
001 - RESIDENT FISHING
Price: $22.00
Term: Annual
005 - ANGLER'S SPECIAL - 3 YR FISH
Price: $62.00
Term: 3 year
025 - RESIDENT 1-DAY FISHING
Price: $10.50
Term: 1 day
Description: Iowa residents 16 years old or older are required to have a fishing license to fish or otherwise legally take, use, have possession of or transport species of fish from inland waters and boundary rivers of Iowa, as outlined by the regulations in the annual Iowa Fishing Seasons and Limits pamphlet. This license is valid for the 1 day listed on the license. Additionally, anglers must pay the
Home
Fish
Hunt
Boat/OHV
View

# Logan's Law

- 2019 Acts ch. 86 (SF 86)—Named after Logan Luft, an avid hunter and angler who died in a 2017 ATV accident
- Upon his death, Logan donated organs to five people and bone and tissue to 21 people
- Father heard about Minnesota's recent organ donor law for hunters/anglers; contacted legislators
- Now, DNR required to make available option to register as organ/eye/tissue donor when purchasing hunting, fur harvester, or fishing license
- DNR also required to include organ/eye/tissue donor information in hunter education classes

# Fishing Regulations

# Fishing Prohibitions

- No recent changes to prohibitions
- Examples of current prohibitions include:
  - 481A.9: No interference with designated fish spawning grounds
  - 481A.76: No fishing with grabhooks, snaghooks, nets, seines, traps, firearms, explosives, poisonous or stupefying substances, lime, ashes, electricity, or hand fishing, except as otherwise provided by law
  - 481A.84: No use of device, net, barrier, or fence restricting frogs from access to and egress from water
  - 481A.85: No taking fish, minnows, frogs, or other aquatic, biological life from any state fish hatchery, nursery, or other fish production area under NRC's jurisdiction

# Fishing Licenses—General Noncommercial/Recreational

- Annual, seven-day, one-day, and annual boundary waters sport trotline licenses available to both resident and nonresident anglers
- Three-year license available to residents (added in 2012)
- Three-day licenses available to nonresidents

# Fishing Licenses—Special Noncommercial/Recreational

- Lifetime fishing licenses available to residents who are at least 65 years old and to residents who served in U.S. armed forces on federal active duty and were disabled or a P.O.W. during the veteran's military service
- Fishing for trout or paddlefish requires special licenses in addition to general fishing license
- Free licenses available to residents who are 16+ years of age with severe mental or physical disability, low-income with permanent disability, or low-income and 65+ years of age

# Fishing Licenses Not Required

- Any person under 16 years of age
- Minor pupil of state school for the blind, state school for the deaf, or minor resident of other state institutions under DHS jurisdiction
- Minor student participating in Fish Iowa! school outing
- A resident on active duty who is on authorized leave from a duty station located outside of Iowa
- Owner or tenant of land and their minor children may fish without a license on that land
- Lessees of a camping space fishing on private lake or pond on the premises of the campground

# Fishing Licenses Not Required

- Residents of county care facility who are receiving state supplementary assistance
- Patients of substance abuse facility, residents of licensed health care facility, tenants of licensed elder group homes, tenants of licensed assisted living program facilities, participants who attend licensed adult day services programs, participants in services funded under a federal home and community-based services waiver implemented under the medical assistance program, and persons cared for in juvenile shelter care homes fishing in a supervised group, and persons supervising any of such groups

# Fishing Licenses—Commercial

- Licenses required for commercial fishers, roe harvesters, turtle harvesters, helpers, and buyers
- 2019 Acts ch. 102 (HF 604): DNR director may enter contract for removal of underused, undesirable, or injurious organisms from waters of the state; contractor and any subcontractor shall have applicable commercial license but other persons assisting with performance of the contract or subcontract may remain unlicensed

# Hunting Regulations

# Hunting and Fur Harvesting Prohibitions

- Prohibition on use of crossbows altered in recent years
  - 481A.38: NRC determines methods of take for purpose of maintaining biological balance
  - 1990 Acts ch. 1109 (SF 57): A persons with a disability that inhibits the use of a bow and arrow allowed to use crossbow
  - 2006 Acts ch. 1064 (HF 590): Resident senior (70+) may be issued special antlerless deer only crossbow deer hunting license to use during bow season
  - 2014 Acts ch. 1100 (HF 499): NRC shall adopt rule allowing a resident to use crossbow during late muzzleloader season

# Hunting and Fur Harvesting Prohibitions

- 481A.24: No mobile radio transmitters to track location or direction of game or coordinate movement of hunters
- 481A.56: No further chase of game bird or fur-bearing animal when pursued into a tree or den while training dogs
  - Exception for coyotes and groundhogs
- 481A.93: No use of spotlights, headlights, or other artificial lights while hunting except the following circumstances:
  - When raccoon or other fur-bearing animal treed with aid of a dog
  - Person is certified blind and hunts with bow or gun with laser sight
  - Special deer population control plan
- 481A.120: No hunting from aircraft or snowmobiles

# Hunting and Fur Harvesting Prohibitions

- 481A.54: No shooting rifle on or over any public waters or public highways of the state or any railroad right-of-way
- 481A.54: No shooting shotgun with slug load, pistol, or revolver on or over public roadway
- 481A.92: No use of box traps capable of capturing more than one fur-bearing animal at each setting
- 481A.124: No taking predominantly white deer of whitetail species
- 481A.125A: No remote control or Internet hunting of wild animal, game bird, or ungulate on a hunting preserve

# Hunting and Fur Harvester Licenses—General Recreational

- A person required to have a hunting or fur harvester license shall pay the wildlife habitat fee
  - Residents who have permanent disabilities or are younger than 16 or older than 65 do not need to pay the fee
  - Revenue from wildlife habitat fee goes to state fish and game protection fund
- Hunting license does not authorize holder to trap fur-bearing animals
- Fur harvester license required to hunt or trap any fur-bearing animal and hunting license not required
  - However, a person may hunt coyotes and groundhogs with either license

# Hunting and Fur Harvester Licenses—General Recreational

- A person born after January 1, 1972, must be at least 12 years old and satisfactorily complete hunter education course to receive hunting license
  - A person who is at least 18 years old may obtain certificate of completion without demonstrating safe handling of firearms
  - A person who is 11 years old may complete the course and receive certificate of completion at age 12
  - A person less than 18 years old shall exhibit a valid certificate of completion of a state-approved hunter education course upon request of DNR officer

# Hunting and Fur Harvester Licenses—Special Provisions

- A member of the armed forces serving on active duty and stationed in Iowa may purchase a resident license
- Lifetime hunting licenses available to residents who served in U.S. armed forces on federal active duty and were disabled or a P.O.W. during the veteran's military service
- Lifetime hunting and fur harvester licenses available to residents who are at least 65 years old

# Hunting or Fur Harvester License Not Required

- Resident under 16 hunting game if accompanied by parent/guardian/other adult with parental consent if accompanying adult has valid hunting license
  - One adult per minor
- Resident under 16 accompanying parent/guardian/other adult with parental consent if adult is hunting raccoons and minor is not hunting or using a firearm or other weapon
- Minor pupil of state school for the blind, state school for the deaf, or minor resident of other state institutions under DHS jurisdiction

# Hunting or Fur Harvester License Not Required

- A resident on active duty who is on authorized leave from a duty station located outside of Iowa
- A person participating in a licensed field trial with a dog
- Residents of county care facility who are receiving state supplementary assistance
- Owners and tenants of land and their juvenile children may hunt on their land and may shoot, by lawful means, ground squirrels, gophers, or woodchucks upon adjacent roads

# Hunting Regulations—Falconry

- Falconry is the use of a falcon, hawk, eagle, owl, or other raptor authorized by the NRC to hunt
- Must have relevant hunting license in addition to falconry permit
- Falconry permits are for three years, although the electronic licensing system is cataloged in a way that is easy for licensing staff to allow nonresidents to purchase permits for one year
- Falconry permit entitles a resident to trap a certain number of raptors
  - Nonresidents wishing to trap a raptor in the state must purchase additional falcon trapping permit, which will cost an amount equal to the nonresident amount in the nonresident's home state

# Hunting Regulations—Falconry

- Apprentice Falconer
  - At least 14 years old and sponsored for first two years by general or master falconer
  - Allowed to possess one raptor at a time—red tail hawk only—and cannot be nestling or fledgling
- General Falconer
  - At least 18 years old with two years of field experience at apprentice level
  - Allowed to possess up to three raptors at a time and obtain only one replacement raptor from wild in any 12-month period
- Master Falconer
  - At least five years of field experience at general level
  - Allowed to possess up to five raptors at a time and take only two replacement raptors from wild in any 12-month period

# Hunting Regulations—Falconry

- Peregrine falcons included as raptors a falconer is allowed to trap/use with falconry permit
  - Must be resident general or master falconer with at least five years of experience
  - Permits issued to eligible applicants through lottery system
  - A person who captures a falcon with federal leg band or research band shall immediately release the falcon at the site of capture and report the band number and trapping site to DNR within 48 hours

# Hunting Regulations—Wild Turkey

- Wild turkey hunting license and tag required to hunt wild turkey in addition to general hunting license
  - Wild turkey hunting license not required to hunt wild turkey on hunting preserve
- Members of the armed forces who are not required to have a hunting license do not need a wild turkey hunting license to hunt wild turkey, but must immediately contact a conservation officer and obtain a wild turkey tag upon taking a turkey
  - A member of the armed forces may only receive one military turkey tag per year

# Hunting Regulations—Youth Wild Turkey Licenses

- Youth ages 15 and younger may obtain special youth spring turkey hunting license (or free license if so eligible)
- 2014 Acts ch. 1015 (HF 2067): Youth who fails to take turkey during youth turkey season may use same license and unused tag for subsequent spring turkey hunting season in same calendar year
- General hunting license not required for youth wild turkey hunting
- Youth must be directly accompanied by unarmed adult who possesses valid wild turkey hunting license and general hunting license

# Hunting Regulations—Landowner/Tenant Wild Turkey Licenses

- Resident landowners and tenants and their family members are eligible for free wild turkey hunting licenses for use on the property
  - Two per farm unit for spring and two per farm unit for fall season
  - General hunting license not required

# Hunting Regulations—Nonresident Wild Turkey Hunting

- Commission authorized to issue no more than 2,300 nonresident wild turkey hunting licenses each year
  - 150 valid for muzzleloading shotguns only
  - Allocated among zones based on wild turkey populations
- 2013 Acts ch. 61 (HF 361)
  - Up to 50 additional nonresident licenses may be distributed as determined by committee consisting of legislative leadership and director of Economic Development Authority
  - Up to 25 additional licenses may be distributed to nonresidents who are currently serving or have served in armed forces on active duty and became disabled during service

# Hunting Regulations—Deer

- Additional $1 to Help Us Stop Hunger program
- Must tag deer within 15 minutes or before moving carcass from where deer is taken, whichever occurs first
- Resident may purchase no more than 2 any-sex deer hunting licenses
- Resident issued an antlerless deer hunting license may purchase additional antlerless deer hunting license at lower cost
- NRC shall establish one or more pistol or revolver seasons
- 2017 Acts ch. 68 (HF 475): NRC shall adopt rules allowing use of straight wall cartridge rifles during youth, disabled, and first and second shotgun seasons by a person with valid deer hunting license who is otherwise qualified to hunt

# Hunting Regulations—Special Deer Provisions

- Youth: similar to turkey but adult does not need deer hunting license
  - 2018 Acts ch. 1159 (HF 631):
    - May be used during any established deer hunting season using the method of take authorized for the season being hunted
    - Once tag is filled, cannot be used in subsequent season
- Severely Disabled: eligible to receive one any-sex deer hunting license for use during youth deer season and any other paid or free deer licenses available to other hunters
- Nonambulatory: 2019 Acts ch. 70 (HF 325)
  - May obtain one any-sex deer hunting license to be used during any established deer hunting season using the method of take authorized by rule for season being hunting
  - Prior: Muzzleloader or shotgun only
  - Once tag is filled, cannot be used in subsequent season

# Hunting Regulations—Special Deer Provisions

- Senior Crossbow: Resident 70+ years old may be issued one special senior statewide antlerless-deer-only crossbow deer hunting license for use during bow season
  - Must have general hunting license but not required to pay habitat fee
- Landowner/Tenant: One free any-sex deer hunting license and one free antlerless deer only deer hunting license for owner/member of owner's family, but not both, and same offering for tenant or member of tenant's family, but not both
  - Additional antlerless license may be available in January season
  - 2018 Acts ch. 1159 (HF 631): May be used during any bow or firearm deer hunting season
  - May purchase additional discounted antlerless deer only licenses

# Hunting Regulations—Special Deer Provisions

- Depredation Licenses: Used to assist producers who have sustained extensive damage from deer to agricultural or horticultural crops
  - Licenses available to residents and must have landowner's permission to receive authorization number
  - Must have general hunting license
  - Use during deer hunting season
  - Harvested deer may be kept and used by hunter
- Deer Shooting Permits: Available for use outside of deer hunting seasons
  - Crop damage and public safety main concerns
  - Deer harvested under these permits must be recovered and processed for human consumption and all antlers must be turned over to DNR

# Hunting Regulations—Special Deer Provisions

- Deer Management Zones:
  - NRC may establish season dates that do not coincide with already established season
  - Residents may obtain licenses specific to the zone
  - NRC determines method of take
  - Examples of deer management zones: urban, state parks and recreation areas, Iowa army ammunition plant, county parks, special private land

# Hunting Regulations—Nonresident Deer Hunting

- Up to 6,000 nonresident antlered or any-sex deer hunting licenses available each year
  - No greater than 35% may be bow licenses
  - Once all antlered or any-sex deer licenses issued, NRC determines how many antlerless deer only deer hunting licenses to make available
  - All nonresident licenses allocated among zones based on deer populations
  - Hunter may receive refund if DNR cannot honor request for specific zone
  - Nonresidents receive one preference point each year that the nonresident is unable to receive an antlered or any-sex deer hunting license due to limits
  - Additional preference points available for purchase
  - Nonresident who purchases any-sex deer license shall also purchase antlerless deer only license

# Hunting Regulations—Nonresident Deer Hunting

- Holiday Season: Special price license available for use December 24 through sunset on January 2
- 2013 Acts ch. 61 (HF 361)
  - Up to 50 additional nonresident licenses may be distributed as determined by committee consisting of legislative leadership and director of Economic Development Authority
  - Up to 25 additional licenses may be distributed to nonresidents who are currently serving or have served in armed forces on active duty and became disabled during service
- Special Season: In counties where antlerless deer only licenses remain, NRC may establish additional season to issue those licenses, which a nonresident may purchase in unlimited quantities

# Hunting Regulations—Nonresident Deer Hunting

- Severely Disabled Nonresident: May participate in special season
  - Issued from quotas and available to use only in specified zone
- Youth With Severe Disability or Terminal Illness: Nonresident under 21 years old with severe disability or terminal illness may receive special any-sex deer license
  - Shall purchase general hunting license and deer hunting license but is not required to complete hunter education if accompanied by an adult with a hunting license

# Hunting Regulations—Nonresident Deer Hunting

- Landowner: May apply for one of the 6,000 antlered or any-sex deer licenses
  - If unable to receive antlered or any-sex deer license, receives preference for antlerless deer only license for use on the nonresident's land
  - Carter v. DNR (No. 18-0087 IA Court of Appeals 2019; Review Denied by Iowa Supreme Court)
    - Nonresident landowner successfully received antlered license six out of eight years and received antlerless license in the other two years
    - In 2016, Carter petitioned DNR for declaratory order requesting ruling either establishing him as "owner" for purposes of 483A.24 or stating the failure to treat him as "owner" violated his inalienable rights (specifically right to enjoy property) and his equal protection rights under the Iowa Constitution

# Hunting Regulations—Nonresident Deer Hunting

- Carter v. DNR
  - Whether right asserted by Carter is protected under inalienable rights clause
    - Citing Democko v. DNR (Privileges and Immunities Clause of U.S. Constitution): Even if there was common law right to hunt on property, Iowa legislature extinguished such right because property interest of wildlife is in the state in order to conserve resources
    - Because Iowa S. Ct. found common law right extinguished by legislature, Iowa's inalienable rights clause does not protect right to hunt on own property

# Hunting Regulations—Nonresident Deer Hunting

- Carter v. DNR
  - Whether Code section is reasonable exercise of state's police power
    - Citing Gacke v. Pork Xtra, L.L.C.: Even if inalienable right exists, subject to reasonable regulation
    - Citing Gibb v. Hansen: Whether exercise of police power is proper depends on whether collective benefit outweighs the specific restraint of individual liberty
    - State has substantial interest in regulating wildlife on behalf of its citizens
    - Legislature did not act arbitrarily, capriciously, or unreasonably because state has interest in limiting issuance of antlered deer licenses to maintain gender balance

# Hunting Regulations—Nonresident Deer Hunting

- Carter v. DNR
  - Whether equal protection rights were violated
    - Quoting a quote from Racing Association of Central Iowa v. Fitzgerald: "[A]ll persons similarly situated should be treated alike."
    - Citing King v. State: Rational basis test unless suspect class or fundamental right
    - Baldwin v. Fish & Game Commission (Federal Equal Protection Clause): U.S. S. Ct. found distinctions between residents and nonresidents for purpose of elk hunting license were rational and not invidious because state legislature made choice based on economic means not unreasonably related to preserving finite resource and substantial regulatory interest of the state
    - Citing King again: Presumption that classifications valid unless the relationship between classification and purpose is so weak that it must be viewed as arbitrary and capricious
    - Already determined rationality of statute in inalienable rights discussion

# Violations and Penalties

# Violations

- Unlawful take
  - Out of season
  - Without license
  - Unlawful method of take
  - Beyond bag limit
- Shooting over highway/water of the state
- Technology prohibitions
  - Radio transmitters
  - Artificial light
  - Remote control/Internet hunting

# Outcomes of Violations—Criminal

- Many violations carry scheduled fines (e.g., for each bird or fish illegally taken)
- Some violations are simple misdemeanors:
  - Failure to report hunting incident involving a firearm
  - Taking predominantly white whitetail deer
  - Falsely attesting that hunter is qualified landowner for landowner/tenant license; includes license revocation and no new license for one year
- Some violations are serious misdemeanors:
  - Unlawfully buying or selling wildlife
  - Intentional interference with lawful hunting/fur harvesting/fishing depending on the number of violations

# Outcomes of Violations—Civil

- Liquidated damages in addition to criminal penalties
  - Value of the animal taken
- Restitution: Persons liable for polluting water of the state shall also pay restitution for injury caused to wild animal from the pollution
- Suspend or revoke license
  - If liquidated damages due, no license privileges until paid
  - Magistrate may revoke or suspend license for definite period if conviction

# Disposition of Seized Property

- 2018 Acts ch. 1150 (HF 2342)
  - Seized fish and game and property seized as a nuisance subject to being kept by DNR so long as necessary evidence for a trial
  - If no conviction, the property shall be returned unless otherwise illegal to possess
  - The state shall only confiscate property after a conviction of the violation for which the property was seized
  - Prohibition on employees of seizing public agency and their family members from purchasing items disposed of after confiscation
  - Record keeping by seizing public agency
  - DNR required to prepare report outlining proceeds deposited to state fish and game protection fund from sale of confiscated property