

Use only for **FINAL** and **EMERGENCY RULES**



Revised 7/2015 to reflect new legislation passed in the 2015 Regular Session (Act 1258). This act changed the effective date from 30 days to 10 days after filing the rule.

01.0 General Information

01.00-A Amendment No. 35

01.00-B Duties And Authorities Of Game Wardens

01.00-C Definition Of Terms

01.00-D Confiscation And Seizure

01.00-E Statute of Limitations and Conviction Defined

01.00-F Prima Facie Evidence

01.00-G Burden Of Proof For Violation Exceptions

01.00-H Restitution

01.00-I Penalties Upon Conviction

01.00-J Enhanced Penalties

01.00-K Point System For Violations of Commission Regulations

01.00-L Denial, Suspension, Or Revocation Of Licenses, Permits, Tags, And Stamps

01.00-M Reward System

01.00-N Exemption While Performing Official Duties

01.00-O Closure Of Public Access And/Or Zones Due To Emergency Condition 01.00-P No Liability For Wildlife Damages

01.00-Q Interstate Wildlife Violator Compact

Game Wardens shall be commissioned by the Commission and shall have the right to apprehend persons detected of violating any of the laws or regulations of the State enacted for the protection of game, fish, furbearing animals and other wildlife, and to take such offenders before any court having jurisdiction in the county where such offense is committed. Game Wardens shall be authorized to serve all processes issued by a court of competent jurisdiction relating to the enforcement of all laws and regulations pertaining to game, fish, furbearing animals, and other wildlife of the State; to go upon any property outside of private dwellings, posted or otherwise, in the performance of their duties; to carry firearms while performing duties; and to conduct searches with or without a warrant according to law. Additionally, Game Wardens lawfully present in any place may, in the performance of their duties, stop and detain any person who they reasonably suspect is, or recently has been, involved in any hunting, fishing, or trapping activity to conduct an administrative inspection to determine whether the person is in compliance with the laws and regulations of the State enacted for the protection of game, fish, furbearing animals, and other wildlife. Game Wardens may request that the person stopped and detained immediately surrender the following items for inspection: all killing devices, licenses, permits, tags, stamps, check sheets, ice chests, game bags, game vests, wildlife, fishing tackle, equipment used for hunting or fishing, or containers that can reasonably hold wildlife (Code [05.30](#)).

Sheriffs, constables and other law enforcement officers certified by the State of Arkansas, and special agents and employees of the U.S. Fish and Wildlife Service, National Park Service and U.S. Forest Service who have been authorized to enforce laws and regulations administered by the U.S. Department of the Interior or U.S. Department of Agriculture shall, upon request by the Commission and upon proper oath or affirmation, have authority to make arrests, searches and seizures for violations of State game and fish laws and regulations. They shall serve without compensation from the Commission in the discharge of those duties. Game Wardens may be appointed as special agents by the U.S. Fish and Wildlife Service and shall have the additional authority conferred upon them by that agency. They shall serve without extra compensation in the discharge of those duties.

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

MINUTE ORDER NO: 23-028 SUBJECT: Regulation Amendments -References
 DATE PASSED: June 15, 2023 to AGFC Game Wardens
 PAGE 1 of 1 PAGES LOCATION: Statewide

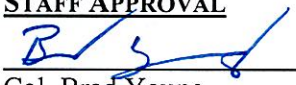
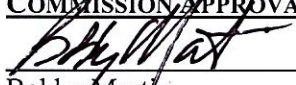
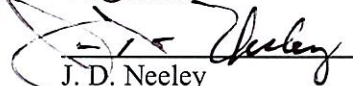
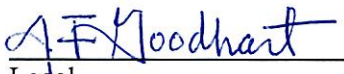
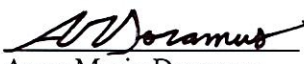
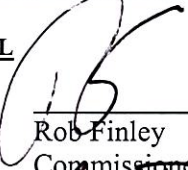
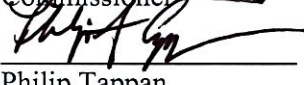
WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached, amended regulations for the purpose of replacing all references to "Wildlife Officer" or "Enforcement Officer" in the AGFC Code Book with the term "Game Warden" for accuracy and consistency; **and**

WHEREAS, the attached regulations have been communicated through a variety of media avenues to sportsmen and the general public throughout the state for review and comment for at least the past 30 days; **and**

WHEREAS, after carefully considering the recommendations of the Director, Commission staff and the Regulations Committee, as well as comments received from the public, the Commission has determined that the attached regulations promote sound wildlife conservation and management and are consistent with Amendment 35 of the Arkansas Constitution and that these regulations should now be approved for application statewide.

NOW, THEREFORE, BE IT ORDERED this 15th day of June 2023, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulations, as amended, which shall become effective immediately upon public filing or as soon thereafter as possible.

BE IT FURTHER ORDERED that the Commission staff is authorized to proceed with legally certifying and filing the attached regulations with the Secretary of State, State Library, and Bureau of Legislative Research and incorporating them into the Commission Code Book and Addendum.

	<u>STAFF APPROVAL</u>	<u>COMMISSION APPROVAL</u>
Submitted by:	 Col. Brad Young Chief	 Bobby Martin Chair
Division:	Enforcement	 Stan Jones Vice Chair
Approved:	 Director	 J.D. Neeley Commissioner
Approved:	 Legal	 Anne Marie Doramus Commissioner
Approved:	 Fiscal	 Rob Finley Commissioner
		 Philip Tappan Commissioner
		 Bill Jones Commissioner

FINANCIAL/ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

DEPARTMENT: Arkansas Game and Fish Commission

DIVISION: Enforcement

PERSON COMPLETING THIS STATEMENT: Briana Zuber

TELEPHONE #: 501-382-9055 **FAX #:** 501-382-9055

EMAIL: Briana.zuber@agfc.ar.gov

SHORT TITLE OF THIS RULE: Amend AGFC Codebook to refer to officer(s) as “game warden(s)”

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: No: **X**
2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: No: **X** If “Yes”, please explain:
3. If the purpose of this rule is to implement a **federal** rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

<u>Current Fiscal Year</u>		<u>Next Fiscal Year</u>	
General Revenue	\$	General Revenue	\$
Federal Funds	\$	Federal Funds	\$
Cash Funds	\$	Cash Funds	\$
Special Revenue	\$	Special Revenue	\$
Other (Identify)	\$	Other (Identify)	\$
Total	\$	Total	\$

4. What is the total estimated cost by fiscal year to any **party** subject to the proposed, amended, or repealed rule? (Estimated cost includes fees, administrative penalties, reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.) Identify the **party** subject to the proposed rule, and explain how they are impacted.

Current Fiscal Year: NA

Next Fiscal Year: Unknown

Party Subject to Rule: N/A

Effect on Party Subject to Rule: N/A

5. What is the total estimated cost by fiscal year to the **agency** to implement this rule? Explain the financial benefit to the agency from implementing this rule.

Current Fiscal Year: \$N/A

Next Fiscal Year: \$N/A

Financial Benefit to Agency: No

6. Do alternative means exist for accomplishing the objectives of the rules that might be less burdensome to small business? Yes: No: **X**

Why were such alternatives not proposed: N/A

7. Compare this rule with federal and state counterparts: N/A

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, June 15, 2023, at the Arkansas Game and Fish Commission Headquarters located at 2 Natural Resources Drive, Little Rock, AR 72205. At that time, regulations and business pertaining to the operation of the Game and Fish Commission and other fiscal and administrative matters will be considered and acted upon. Additionally, Committee meetings attended by Commissioners and agency staff members will be held throughout the day on Wednesday, June 14, 2023, beginning at 9:00 a.m. at the Arkansas Game and Fish Commission Headquarters located at 2 Natural Resources Drive, Little Rock, AR 72205. All interested persons are invited to attend these meetings.

The Commission meeting on June 15th will be live-streamed and a link for easy viewing access will be available on the agency website. Please visit the Arkansas Game and Fish Commission website at <https://www.agfc.com> for additional up-to-date details as the June meeting dates draw closer.

Items on the agenda for the June 15, 2023 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the May 17-18, 2023 Commission Meetings, plus consideration of various Hunting and Fishing Regulations and regulations pertaining to the Enforcement Division of the Arkansas Game and Fish Commission, including but not limited to:

- Amending miscellaneous regulations for the purpose of replacing all references to “Wildlife Officer” or “Enforcement Officer” in the AGFC Code Book with the term “Game Warden” for accuracy and consistency.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the June 15, 2023 meeting (preferably by 4:30 p.m. on the day before). Any request to make an oral presentation at the meeting should be submitted in writing to this office on or before June 10, 2023. Copies of any proposed rules or regulations may be obtained at the Arkansas Game and Fish Commission main office and at www.agfc.com, or through a written request mailed to the address below.

AUSTIN BOOTH, DIRECTOR
Arkansas Game & Fish Commission
Game & Fish Commission Building
2 Natural Resources Drive
Little Rock, Arkansas 72205