

**FILED**  
At Albuquerque NM

JUL 01 2010 *WQ*

**MATTHEW J. DYKMAN**  
**CLERK**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE ADOPTION  
OF THE AMENDED COLLATERAL  
FORFEITURE SCHEDULE OF THE  
UNITED STATES DEPARTMENT OF  
AGRICULTURE, FOREST SERVICE.

)  
)  
)  
)  
)

MISC. No. 10-MR-284

**ORDER ADOPTING AMENDED COLLATERAL FORFEITURE SCHEDULE**  
**OF THE UNITED STATES DEPARTMENT OF AGRICULTURE,**  
**FOREST SERVICE**

THIS MATTER, having come before the Court on the motion of the United States for approval and adoption of the amended collateral forfeiture schedule of the United States Department of Agriculture, Forest Service, in the District of New Mexico, the Court, having reviewed the motion and the proposed amended collateral forfeiture schedule, finds that good cause exists for approving and adopting said amended collateral forfeiture schedule of the United States Department of Agriculture, Forest Service, in the District of New Mexico.

IT IS THEREFORE ORDERED, pursuant to Rules 58(d)(1) and 58(d)(2) of the Federal Rules of Criminal Procedure and Local Criminal Rule 58.1, that the amended collateral forfeiture schedule of the United States Department of Agriculture, Forest Service, in the District of New Mexico, attached to the motion of the United States, be and is hereby adopted and promulgated effective upon entry of this Order.

IT IS FURTHER ORDERED that the previous collateral forfeiture schedule applicable to the United States Department of Agriculture, Forest Service, in the District of New Mexico, is hereby repealed.

A handwritten signature in black ink, appearing to read 'M. Vazquez', is written over a horizontal line.

THE HONORABLE MARTHA VAZQUEZ  
CHIEF UNITED STATES DISTRICT JUDGE

Amending General Order  
2010 Collateral Forfeiture Schedule – US Forest Service  
Title 36 Code of Federal Regulations (Class B Misdemeanors)

| Regulation/Prohibition  | Section                   | Preset Collateral            | Remarks  |
|---|---------------------------|------------------------------|--|
| Traffic on roads is subject to State traffic laws where applicable except when in conflict with designations established under subpart B of this part or with the rules at 36 CFR part 261.   | <b>36 CFR 212.5(a)(1)</b> | <b>\$*</b>                   |  |
| Threatening, resisting, intimidating, or interfering with any forest officer engaged in or on account of the performance of his official duties in the protection, improvement, or administration of the National Forest System is prohibited.  | 36 CFR 261.3(a)           | \$250                        | *Mandatory   |
| Giving any false, fictitious or fraudulent report or other information to any Forest Officer engaged in or on account of the performance of his official duties knowing that such report or other information contains false, fictitious or fraudulent statement or entry.  | 36 CFR 261.3(b)           | <b>\$250</b>                 |  |
| Threatening, intimidating, or intentionally interfering with any Forest officer, volunteer, or human resource program enrollee while engaged in, or on account of, the performance of duties for the protection, improvement, or administration of the National Forest System or other duties assigned by the Forest Service. | 36 CFR 261.3(c)           | \$250                        | *Mandatory   |
| Engaging in fighting.   | 36 CFR 261.4(a)           | <b>\$250</b>                 |  |
| Addressing any offensive, derisive, or annoying communication to any other person who is lawfully present when such communication has a direct tendency to cause acts of violence by the person to whom, individually, the remark is addressed.   | 36 CFR 261.4(b)           | <b>\$250</b>                 |  |
| Make statements or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action.   | 36 CFR 261.4(c)           | <b>\$250</b>                 |  |
| Causing public inconvenience, annoyance, or alarm by making unreasonably loud noise.  | 36 CFR 261.4(d)           | \$75                         |  |
| Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire.   | 36 CFR 261.5(a)           | <b>\$150</b><br><b>\$250</b> | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense |
| Firing any tracer bullet or incendiary ammunition.  | 36 CFR 261.5(b)           | \$50                         |  |

|  |                 |              |                            |
|--|-----------------|--------------|----------------------------|
| Causing timber, trees, slash, brush or grass to burn except as authorized by permit.   | 36 CFR 261.5(c) | \$250        |                            |
| Leaving a fire without completely extinguishing it.  | 36 CFR 261.5(d) | \$100        |                            |
| <b>Causing and failing to maintain control of a fire that is not a prescribed fire that damages the National Forest System.</b>  | 36 CFR 261.5(e) | <b>\$250</b> |                            |
| Building, attending, maintaining, or using a campfire without removing all flammable material from around the campfire adequate to prevent its escape.   | 36 CFR 261.5(f) | \$100        |                            |
| <b>Negligently failing to maintain control of a prescribed fire on Non-National Forest System lands that damages the National Forest System.</b>   | 36 CFR 261.5(g) | <b>\$250</b> |                            |
| Cutting or otherwise damaging any timber, tree, or other forest product, except as authorized by a special-use authorization, timber sale contract, or Federal law or regulation.  | 36 CFR 261.6(a) | \$250        | +\$50 per Item or Specimen |
| Cutting any standing tree, under permit or timber sale contract, before a Forest Officer has marked it or has otherwise designated it for cutting.   | 36 CFR 261.6(b) | \$250        | +\$50 per Item or Specimen |
| Removing any timber or other forest product cut under permit or timber sale contract, except to a place designated for scaling, or removing it from that place before it is scaled, measured, counted, or otherwise accounted for by a forest officer. | 36 CFR 261.6(c) | \$250        | +\$50 per Item or Specimen |
| Stamping, marking with paint, or otherwise identifying any tree or other forest product in a manner similar to that employed by forest officers to mark or designate a tree or any other forest product for cutting or removal.                        | 36 CFR 261.6(d) | \$150        |                            |
| Loading, removing or hauling timber or other forest product acquired under any permit or timber sale contract unless such product is identified as required in such permit or contract.  | 36 CFR 261.6(e) | \$250        | +\$50 per Item or Specimen |
| Selling or exchanging any timber or other forest product obtained under free use pursuant to §§223.5 through 223.11.   | 36 CFR 261.6(f) | \$250        |                            |
| Violating any timber export or substitution restriction in §§223.160 through 223.164.  | 36 CFR 261.6(g) | \$50         |                            |
| Removing any timber, tree or other forest product, except as authorized by a special-use authorization, timber sale contract, or Federal law or regulation.  | 36 CFR 261.6(h) | \$250        | +\$50 per Item or Specimen |

|  |                 |       |                                |
|--|-----------------|-------|--------------------------------|
| Violating the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620, <i>et seq.</i> ), or its implementing regulations at 36 CFR 223.185–223.203.   | 36 CFR 261.6(i) | \$250 |                                |
| Placing or allowing unauthorized livestock to enter or be in the National Forest System or other lands under Forest Service control.   | 36 CFR 261.7(a) | \$300 | +\$100 per Animal              |
| Not removing unauthorized livestock from the National Forest System or other lands under Forest Service control when requested by a forest officer.  | 36 CFR 261.7(b) | \$250 | +\$100 per Animal              |
| Failing to reclose any gate or other entry.  | 36 CFR 261.7(c) | \$50  |                                |
| Molesting, injuring, removing, or releasing any livestock impounded under §262.10 while in the custody of the Forest Service or its authorized agents.   | 36 CFR 261.7(d) | \$300 |                                |
| The following are prohibited to the extent Federal or State law is violated: Hunting, trapping, fishing, catching, molesting, killing or having in possession any kind of wild animal, bird, or fish, or taking the eggs of any such bird. | 36 CFR 261.8(a) | \$*   | SEE APPENDIX A                 |
| The following are prohibited to the extent Federal or State law is violated: Possessing a firearm or other implement designed to discharge a missile capable of destroying animal life.  | 36 CFR 261.8(b) | \$100 |                                |
| The following are prohibited to the extent Federal or State law is violated: Possessing equipment which could be used for hunting, fishing, or trapping.   | 36 CFR 261.8(c) | \$100 |                                |
| The following are prohibited to the extent Federal or State law is violated: Possessing a dog not on a leash or otherwise confined.  | 36 CFR 261.8(d) | \$100 |                                |
| The following are prohibited to the extent Federal or State law is violated: Curtail the free movement of any animal or plant life into or out of a cave, except as authorized to protect a cave resource.                                 | 36 CFR 261.8(e) | \$250 |                                |
| Damaging any natural feature or other property of the United States.   | 36 CFR 261.9(a) | \$250 | +\$50 per Incident             |
| Removing any natural feature or other property of the United States.   | 36 CFR 261.9(b) | \$250 | +\$50 per Incident             |
| Damaging any plant that is classified as a threatened, endangered, sensitive, rare, or unique species.   | 36 CFR 261.9(c) | \$250 | +\$50 per Incident or Specimen |
| Removing any plant that is classified as a threatened, endangered, sensitive, rare, or unique species.   | 36 CFR 261.9(d) | \$250 | +\$50 per Specimen             |
| Entering any building, structure, or enclosed area owned or controlled   | 36 CFR 261.9(e) | \$200 |                                |

|  |                         |                        |                                      |
|--|-------------------------|------------------------|--------------------------------------|
| by the United States when such building, structure, or enclosed area is not open to the public.  |                         |                        |                                      |
| Using any pesticide except for personal use as an insect repellent or as provided by special-use authorization for other minor uses.   | 36 CFR 261.9(f)         | \$250<br>\$500         | If hazardous material defined by EPA |
| Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic, or archaeological resource, structure, site, artifact, or property.  | 36 CFR 261.9(g)         | \$500                  |                                      |
| Removing any prehistoric, historic, or archaeological resource, structure, site, artifact, property.   | 36 CFR 261.9(h)         | \$500                  |                                      |
| Excavating, damaging, or removing any vertebrate fossil or removing any paleontological resource for commercial purposes without a special use authorization.  | 36 CFR 261.9(i)         | \$500                  |                                      |
| Excavating, damaging, or removing any cave resource from a cave without a special use authorization, or removing any cave resource for commercial purposes.  | 36 CFR 261.9(j)         | \$500                  |                                      |
| <b>Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment, significant surface disturbance, or other improvement on National Forest System lands or facilities without a special-use authorization, contract, or approved operating plan when such authorization is required.</b> | <b>36 CFR 261.10(a)</b> | <b>\$250<br/>\$500</b> | <b>Non-Mining<br/>Mining</b>         |
| <b>Construction, reconstructing, improving, maintaining, occupying or using a residence on National Forest System lands unless authorized by a special-use authorization or approved operating plan when such authorization is required.</b>   | <b>36 CFR 261.10(b)</b> | <b>\$250<br/>\$500</b> | <b>Non-Mining<br/>Mining</b>         |
| Selling or offering for sale any merchandise or conducting any kind of work activity or service unless authorized by Federal law, regulation, or special-use authorization.  | 36 CFR 261.10(c)        | \$100<br>\$500         | Outfitting/<br>Guiding               |
| Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property as follows:<br>(1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or   | 36 CFR 261.10(d)        | \$300                  |                                      |

|  |                  |                |                              |
|--|------------------|----------------|------------------------------|
| (2) Across or on a National Forest System road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge.<br>(3) Into or within any cave.   |                  |                |                              |
| Abandoning any personal property.  | 36 CFR 261.10(e) | \$250          |                              |
| Placing a vehicle or other object in such a manner that it is an impediment or hazard to the safety or convenience of any person.  | 36 CFR 261.10(f) | \$50           |                              |
| Commercial distribution of printed material without a special use authorization.   | 36 CFR 261.10(g) | \$100          |                              |
| When commercially distributing printed material, delaying, halting, or preventing administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System lands; misrepresenting the purposes or affiliations of those selling or distributing the material; or misrepresenting the availability of the material without cost. | 36 CFR 261.10(h) | \$300          |                              |
| Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit, any device which produces noise, such as a radio, television, musical instrument, motor or engine in such a manner and at such a time so as to unreasonably disturb any person.   | 36 CFR 261.10(i) | \$75           |                              |
| Operating or using a public address system, whether fixed, portable or vehicle mounted, in or near a campsite or developed recreation site or over an adjacent body of water without a special-use authorization.  | 36 CFR 261.10(j) | \$75           |                              |
| Use or occupancy of National Forest System land or facilities without special-use authorization when such authorization is required.   | 36 CFR 261.10(k) | \$250<br>\$*   | Minor<br>Major *Mandatory    |
| Violating any term or condition of a special-use authorization, contract, or approved operating plan.  | 36 CFR 261.10(l) | \$100<br>\$200 | Non-Commercial<br>Commercial |
| Failing to stop a vehicle when directed to do so by a Forest Officer.  | 36 CFR 261.10(m) | \$150          |                              |
| Failing to pay any special use fee or other charges as required.   | 36 CFR 261.10(n) | \$50           |                              |
| Discharging or igniting a firecracker, rocket or other firework, or explosive into or within any cave.   | 36 CFR 261.10(o) | \$100<br>\$500 | Firework<br>Explosive        |
| Use or occupancy of National Forest System lands or facilities without an approved operating plan when such authorization is required.   | 36 CFR 261.10(p) | \$250<br>\$*   | Minor<br>Major *Mandatory    |

|   |                  |                         |   |
|---|------------------|-------------------------|---|
| Depositing in any toilet, toilet vault, or plumbing fixture any substance which could damage or interfere with the operation or maintenance of the fixture.   | 36 CFR 261.11(a) | \$100                   |   |
| Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition.  | 36 CFR 261.11(b) | \$150<br>\$250<br>\$500 | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense<br>Hazmat                  |
| Placing in or near a stream, lake, or other water any substance which does or may pollute a stream, lake, or other water.   | 36 CFR 261.11(c) | \$150<br>\$250<br>\$500 | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense<br>Hazmat                  |
| Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water or material, or rubbish either by removal from the site or area, or by depositing it into receptacles or at places provided for such purposes.   | 36 CFR 261.11(d) | \$150<br>\$250<br>\$500 | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense<br>Hazmat                  |
| Dumping of any refuse, debris, trash or litter brought as such from private property or from land occupied under permit, except, where a container, dump or similar facility has been provided and is identified as such, to receive trash generated from private lands or lands occupied under permit.   | 36 CFR 261.11(e) | \$500                   |   |
| Violating the load, weight, height, length, or width limitations prescribed by State law except by special-use authorization or written agreement or by order issued under §261.54 of this Chapter.   | 36 CFR 261.12(a) | \$100                   |   |
| Failing to have a vehicle weighed at a Forest Service weighing station, if required by a sign.  | 36 CFR 261.12(b) | \$100                   |   |
| Damaging and leaving in a damaged condition any such road, trail, or segment thereof.   | 36 CFR 261.12(c) | \$250                   |   |
| Blocking, restricting, or otherwise interfering with the use of a road, trail, or gate.   | 36 CFR 261.12(d) | \$250                   |   |
| After National Forest System roads, National Forest System trails, and areas on National Forest System lands have been designated pursuant to 36 CFR 212.51 on an administrative unit or a Ranger District of the National Forest System, and these designations have been identified on a motor vehicle use map, it is prohibited to possess or operate a motor vehicle on National Forest System lands in that administrative unit or Ranger District other than in accordance with those designations. | 36 CFR 261.13    | \$150<br>\$300<br>\$500 | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense<br>3 <sup>rd</sup> offense |



|   |                      |                              |  |
|---|----------------------|------------------------------|--|
| <b>It is prohibited to possess or operate an over-snow vehicle on National Forest System lands in violation of a restriction or prohibition established pursuant to 36 CFR part 212, subpart C.</b>   | <b>36 CFR 261.14</b> | <b>\$75</b>                  |  |
| It is prohibited to operate any vehicle off National Forest System, State or County roads: Without a valid license as required by State law.  | 36 CFR 261.15(a)     | \$100                        |  |
| It is prohibited to operate any vehicle off National Forest System, State or County roads: Without an operable braking system.  | 36 CFR 261.15(b)     | \$50                         |  |
| It is prohibited to operate any vehicle off National Forest System, State or County roads: From one-half hour after sunset to one-half hour before sunrise unless equipped with working head and tail lights.                                       | 36 CFR 261.15(c)     | \$50                         |  |
| It is prohibited to operate any vehicle off National Forest System, State or County roads: In violation of any applicable noise emission standard established by any Federal or State agency.   | 36 CFR 261.15(d)     | \$100                        |  |
| It is prohibited to operate any vehicle off National Forest System, State or County roads: While under the influence of alcohol or other drug.  | 36 CFR 261.15(e)     | <b>\$400</b><br><b>\$800</b> | <b>1<sup>st</sup> offense</b><br><b>2<sup>nd</sup> offense</b> |
| It is prohibited to operate any vehicle off National Forest System, State or County roads: Creating excessive or unusual smoke.   | 36 CFR 261.15(f)     | \$100                        |  |
| It is prohibited to operate any vehicle off National Forest System, State or County roads: Carelessly, recklessly, or without regard for the safety of any person, or in a manner that endangers, or is likely to endanger, any person or property. | 36 CFR 261.15(g)     | \$250                        |  |
| It is prohibited to operate any vehicle off National Forest System, State or County roads: In a manner which damages or unreasonably disturbs the land, wildlife, or vegetative resources.  | 36 CFR 261.15(h)     | <b>\$250</b>                 |  |
| It is prohibited to operate any vehicle off National Forest System, State or County roads: In violation of State law established for vehicles used off roads.   | 36 CFR 261.15(i)     | <b>\$150</b>                 |  |
| Occupying any portion of the site for other than recreation purposes.   | 36 CFR 261.16(a)     | \$50                         |  |
| Building, attending, maintaining, or using a fire outside of a fire ring provided by the Forest Service for such purpose or outside of a stove, grill or fireplace.   | 36 CFR 261.16(b)     | \$50                         |  |
| Cleaning or washing any personal property, fish, animal, or food, or bathing or washing at a hydrant or water faucet not provided for that purpose.   | 36 CFR 261.16(c)     | \$100                        |  |

|   |                  |                              |  |
|---|------------------|------------------------------|--|
| Discharging or igniting a firecracker, rocket or other firework, or explosive.  | 36 CFR 261.16(d) | \$100<br><b>\$500</b>        | Firework<br><b>Explosive</b>                                   |
| Occupying between 10 p.m. and 6 a.m. a place designated for day use only.   | 36 CFR 261.16(e) | \$50                         |  |
| Failing to remove all camping equipment or personal property when vacating the area or site.  | 36 CFR 261.16(f) | \$150                        |  |
| Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment.  | 36 CFR 261.16(g) | \$50                         |  |
| Without permission, failing to have at least one person occupy a camping area during the first night after camping equipment has been set up.   | 36 CFR 261.16(h) | \$50                         |  |
| Leaving camping equipment unattended for more than 24 hours without permission.   | 36 CFR 261.16(i) | \$50                         |  |
| Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, caged, or upon a leash not longer than six feet, or otherwise under physical restrictive control.  | 36 CFR 261.16(j) | \$50                         |  |
| Bringing in or possessing in a swimming area an animal, other than a seeing eye dog.  | 36 CFR 261.16(k) | \$50                         |  |
| Bringing in or possessing a saddle, pack, or draft animal except as authorized by posted instructions.  | 36 CFR 261.16(l) | \$100                        |  |
| Operating or parking a motor vehicle or trailer except in places developed or designated for this purpose.  | 36 CFR 261.16(m) | \$50                         |  |
| Operating a bicycle, motorbike, or motorcycle on a trail unless designated for this use.  | 36 CFR 261.16(n) | \$50                         |  |
| Operating a motorbike, motorcycle, or other motor vehicle for any purpose other than entering or leaving the site.  | 36 CFR 261.16(o) | \$50                         |  |
| Depositing any body waste except into receptacles provided for that purpose.  | 36 CFR 261.16(p) | \$50                         |  |
| Failure to pay any recreation fee is prohibited. Notwithstanding 18 U.S.C. 3571(e), the fine imposed for the first offense of nonpayment shall not exceed \$100.                          | 36 CFR 261.17    | \$50                         |  |
| The following are prohibited in a National Forest Wilderness:<br>Possessing or using a motor vehicle, motorboat or motorized equipment except as authorized by Federal Law or regulation. | 36 CFR 261.18(a) | <b>\$300</b><br><b>\$500</b> | <b>1<sup>st</sup> offense</b><br><b>2<sup>nd</sup> offense</b> |

|  |                  |                |  |
|--|------------------|----------------|--|
| The following are prohibited in a National Forest Wilderness:<br>Possessing or using a hang glider or bicycle.   | 36 CFR 261.18(b) | \$300<br>\$500 | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense |
| The following are prohibited in a National Forest Wilderness: Landing of aircraft, or dropping or picking up of any material, supplies, or person by means of aircraft, including a helicopter.  | 36 CFR 261.18(c) | \$300<br>\$500 | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense |
| The following are prohibited in any area classified as a National Forest Primitive Area on September 3, 1964: Landing of aircraft or using a motor boat, unless such use had become well established before September 3, 1964.   | 36 CFR 261.21(a) | \$300<br>\$500 | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense |
| The following are prohibited in any area classified as a National Forest Primitive Area on September 3, 1964: Possessing or using a motor or motorized equipment, except small battery powered, hand-held devices, such as cameras, shavers, flashlights, and Geiger-counters. | 36 CFR 261.21(b) | \$300<br>\$500 | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense |
| Manufacture, importation, reproduction, or use of "Smokey Bear" except as provided under §§271.2, 271.3, or 271.4 is prohibited.   | 36 CFR 261.22(a) | \$250          |  |
| Manufacture, importation, reproduction, or use of "Woodsy Owl" except as provided under §§272.2, 272.3, or 272.4 is prohibited.  | 36 CFR 261.22(b) | \$250          |  |
| Removing or attempting to remove a wild free-roaming horse or burro from the National Forest System unless authorized by law or regulation.  | 36 CFR 261.23(a) | \$*            | *Mandatory   |
| Causing or allowing the inhumane treatment or harassment of a wild free-roaming horse or burro.  | 36 CFR 261.23(b) | \$*            | *Mandatory   |
| Removing or attempting to remove, alter or destroy any official mark used to identify a wild horse or burro or its remains unless authorized or permitted by law or regulation.  | 36 CFR 261.23(c) | \$250          |  |
| Violating any terms or conditions specified in a care and maintenance agreement or permit.   | 36 CFR 261.23(d) | \$250          |  |
| When provided by an order, the following are prohibited: Building, maintaining, attending or using a fire, campfire, or stove fire.  | 36 CFR 261.52(a) | \$100          |  |
| When provided by an order, the following are prohibited: Using an explosive.   | 36 CFR 261.52(b) | \$500          |  |
| When provided by an order, the following are prohibited: Smoking.  | 36 CFR 261.52(c) | \$50           |  |
| When provided by an order, the following are prohibited: Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is  | 36 CFR 261.52(d) | \$50           |  |

|  |                  |       |  |
|--|------------------|-------|--|
| barren or cleared of all flammable material.   |                  |       |  |
| When provided by an order, the following are prohibited: Going into or being upon an area.   | 36 CFR 261.52(e) | \$100 |  |
| When provided by an order, the following are prohibited: Possessing, discharging or using any kind of firework or other pyrotechnic device.  | 36 CFR 261.52(f) | \$100 |  |
| When provided by an order, the following are prohibited: Entering an area without any firefighting tool prescribed by the order.   | 36 CFR 261.52(g) | \$100 |  |
| When provided by an order, the following are prohibited: Operating an internal combustion engine.  | 36 CFR 261.52(h) | \$100 |  |
| When provided by an order, the following are prohibited: Welding, or operating an acetylene or other torch with open flame.  | 36 CFR 261.52(i) | \$100 |  |
| When provided by an order, the following are prohibited: Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either: (1) Department of Agriculture, Forest Service Standard 5100-1a; or (2) Appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a). | 36 CFR 261.52(j) | \$100 |  |
| When provided by an order, the following are prohibited: Violating any state law specified in the order concerning burning, fires or which is for the purpose of preventing, or restricting the spread of fires.   | 36 CFR 261.52(k) | \$100 |  |
| When provided in an order, it is prohibited to go into or be upon any area which is closed for the protection of: Threatened, endangered, rare, unique, or vanishing species of plants, animals, birds or fish.  | 36 CFR 261.53(a) | \$100 |  |
| When provided in an order, it is prohibited to go into or be upon any area which is closed for the protection of: Special biological communities.  | 36 CFR 261.53(b) | \$100 |  |
| When provided in an order, it is prohibited to go into or be upon any area which is closed for the protection of: Objects or areas of historical, archeological, geological, or paleontological interest.  | 36 CFR 261.53(c) | \$100 |  |
| When provided in an order, it is prohibited to go into or be upon any area which is closed for the protection of: Scientific experiments or investigations.  | 36 CFR 261.53(d) | \$100 |  |
| When provided in an order, it is prohibited to go into or be upon any area which is closed for the protection of: Public health or safety.   | 36 CFR 261.53(e) | \$100 |  |

|  |                  |                |  |
|--|------------------|----------------|--|
| When provided in an order, it is prohibited to go into or be upon any area which is closed for the protection of: Property.  | 36 CFR 261.53(f) | \$100          |  |
| When provided by an order, the following are prohibited: Using any type of vehicle prohibited by the order.  | 36 CFR 261.54(a) | \$100          |  |
| When provided by an order, the following are prohibited: Use by any type of traffic prohibited by the order.   | 36 CFR 261.54(b) | \$100          |  |
| When provided by an order, the following are prohibited: Using a road for commercial hauling without a permit or written authorization.  | 36 CFR 261.54(c) | \$100          |  |
| When provided by an order, the following are prohibited: Operating a vehicle in violation of the speed, load, weight, height, length, width, or other limitations specified by the order.  | 36 CFR 261.54(d) | \$100          |  |
| When provided by an order, the following are prohibited: Being on the road.  | 36 CFR 261.54(e) | \$100          |  |
| When provided by an order, the following are prohibited: Operating a vehicle carelessly, recklessly, or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or be likely to endanger any person or property. | 36 CFR 261.54(f) | \$250          |  |
| When provided by an order, the following are prohibited on a National Forest System trail: Being on a trail.   | 36 CFR 261.55(a) | \$100          |  |
| When provided by an order, the following are prohibited on a National Forest System trail: Using any type of vehicle prohibited by the order.  | 36 CFR 261.55(b) | \$100          |  |
| When provided by an order, the following are prohibited on a National Forest System trail: Use by any type of traffic or mode of transport prohibited by the order.  | 36 CFR 261.55(c) | \$100          |  |
| When provided by an order, the following are prohibited on a National Forest System trail: Operating a vehicle in violation of the width, weight, height, length, or other limitations specified by the order.   | 36 CFR 261.55(d) | \$100          |  |
| When provided by an order, the following are prohibited on a National Forest System trail: Shortcutting a switchback in a trail.   | 36 CFR 261.55(e) | \$50           |  |
| When provided by an order, it is prohibited to possess or use a vehicle off National Forest System roads.  | 36 CFR 261.56    | \$100          |  |
| When provided by an order, the following are prohibited on a National Forest wilderness: Entering or being in the area.  | 36 CFR 261.57(a) | \$300<br>\$500 | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense |
| When provided by an order, the following are prohibited on a National  | 36 CFR 261.57(b) | \$300          | 1 <sup>st</sup> offense                            |

|   |                  |                |  |
|---|------------------|----------------|--|
| Forest wilderness: Possessing camping or pack-outfitting equipment, as specified in the order.  |                  | \$500          | 2 <sup>nd</sup> offense                            |
| When provided by an order, the following are prohibited on a National Forest wilderness: Possessing a firearm or firework.  | 36 CFR 261.57(c) | \$300<br>\$500 | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense |
| When provided by an order, the following are prohibited on a National Forest wilderness: Possessing any non-burnable food or beverage containers, including deposit bottles, except for non-burnable containers designed and intended for repeated use. | 36 CFR 261.57(d) | \$300<br>\$500 | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense |
| When provided by an order, the following are prohibited on a National Forest wilderness: Grazing.   | 36 CFR 261.57(e) | \$300<br>\$500 | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense |
| When provided by an order, the following are prohibited on a National Forest wilderness: Storing equipment, personal property or supplies.  | 36 CFR 261.57(f) | \$300<br>\$500 | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense |
| When provided by an order, the following are prohibited on a National Forest wilderness: Disposing of debris, garbage, or other waste.  | 36 CFR 261.57(g) | \$300<br>\$500 | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense |
| When provided by an order, the following are prohibited on a National Forest wilderness: Possessing or using a wagon, cart or other vehicle.  | 36 CFR 261.57(h) | \$300<br>\$500 | 1 <sup>st</sup> offense<br>2 <sup>nd</sup> offense |
| When provided by an order, the following are prohibited: Camping for a period longer than allowed by the order.   | 36 CFR 261.58(a) | \$50           |  |
| When provided by an order, the following are prohibited: Entering or using a developed recreation site or portion thereof.  | 36 CFR 261.58(b) | \$50           |  |
| When provided by an order, the following are prohibited: Entering or remaining in a campground during night periods prescribed in the order except for persons who are occupying such campgrounds.  | 36 CFR 261.58(c) | \$50           |  |
| When provided by an order, the following are prohibited: Occupying a developed recreation site with prohibited camping equipment prescribed by the order.   | 36 CFR 261.58(d) | \$50           |  |
| When provided by an order, the following are prohibited: Camping.   | 36 CFR 261.58(e) | \$50           |  |
| When provided by an order, the following are prohibited: Using a campsite or other area described in the order by more than the number of users allowed by the order.   | 36 CFR 261.58(f) | \$50           |  |
| When provided by an order, the following are prohibited: Parking or leaving a vehicle in violation of posted instructions.  | 36 CFR 261.58(g) | \$50           |  |
| When provided by an order, the following are prohibited: Parking or leaving a vehicle outside a parking space assigned to one's own camp unit.  | 36 CFR 261.58(h) | \$50           |  |



|  |                  |                |                              |
|--|------------------|----------------|------------------------------|
| When provided by an order, the following are prohibited: Possessing, parking or leaving more than two vehicles, except motorcycles or bicycles per camp unit.                          | 36 CFR 261.58(i) | \$50           |                              |
| When provided by an order, the following are prohibited: Being publicly nude.  | 36 CFR 261.58(j) | \$100          |                              |
| When provided by an order, the following are prohibited: Entering or being in a body of water.   | 36 CFR 261.58(k) | \$50           |                              |
| When provided by an order, the following are prohibited: Being in the area after sundown or before sunrise.  | 36 CFR 261.58(l) | \$50           |                              |
| When provided by an order, the following are prohibited: Discharging a firearm, air rifle, or gas gun.   | 36 CFR 261.58(m) | \$150          |                              |
| When provided by an order, the following are prohibited: Possessing or operating a motorboat.  | 36 CFR 261.58(n) | \$100<br>\$360 | General<br>Careless/Reckless |
| When provided by an order, the following are prohibited: Water skiing.   | 36 CFR 261.58(o) | \$100          |                              |
| When provided by an order, the following are prohibited: Storing or leaving a boat or raft.  | 36 CFR 261.58(p) | \$100          |                              |
| When provided by an order, the following are prohibited: Operating any watercraft in excess of a posted speed limit.   | 36 CFR 261.58(q) | \$250          |                              |
| When provided by an order, the following are prohibited: Launching a boat except at a designated launching ramp.   | 36 CFR 261.58(r) | \$100          |                              |
| When provided by an order, the following are prohibited: Possessing, storing, or transporting any bird, fish, or other animal or parts thereof, as specified in the order.             | 36 CFR 261.58(s) | \$150<br>\$500 | +Value of<br>Specimen        |
| When provided by an order, the following are prohibited: Possessing, storing, or transporting any part of a tree or other plant, as specified in the order.                            | 36 CFR 261.58(t) | \$150          |                              |
| When provided by an order, the following are prohibited: Being in the area between 10 p.m. and 6 a.m. except a person who is camping or who is visiting a person camping in that area. | 36 CFR 261.58(u) | \$100          |                              |
| When provided by an order, the following are prohibited: Hunting or fishing.   | 36 CFR 261.58(v) | \$100          |                              |
| When provided by an order, the following are prohibited: Possessing or transporting any motor or mechanical device capable of propelling a watercraft through water by any means.      | 36 CFR 261.58(w) | \$100          |                              |

|  |                   |              |  |
|--|-------------------|--------------|--|
| When provided by an order, the following are prohibited: Using any wheel, roller, or other mechanical device for the overland transportation of any watercraft.                            | 36 CFR 261.58(x)  | \$100        |  |
| When provided by an order, the following are prohibited: Landing of aircraft, or dropping or picking up any material, supplies, or person by means of an aircraft, including a helicopter. | 36 CFR 261.58(y)  | <b>\$250</b> |  |
| When provided by an order, the following are prohibited: Entering or being on lands or waters within the boundaries of a component of the National Wild and Scenic Rivers System.          | 36 CFR 261.58(z)  | \$100        |  |
| When provided by an order, the following are prohibited: Riding, hitching, tethering or hobbling a horse or other saddle or pack animal in violation of posted instructions.               | 36 CFR 261.58(aa) | \$100        |  |
| When provided by an order, the following are prohibited: Possessing a beverage which is defined as an alcoholic beverage by State law.   | 36 CFR 261.58(bb) | \$100        |  |
| When provided by an order, the following are prohibited: Possessing or storing any food or refuse, as specified in the order.  | 36 CFR 261.58(cc) | \$100        |  |
| When provided by an order, the following are prohibited: Depositing any body waste in caves except into receptacles provided for that purpose.   | 36 CFR 261.58(ee) | \$100        |  |



Amending General Order  
 2010 Collateral Forfeiture Schedule – US Forest Service  
 Title 16, 18, and 21 Statutory Offenses (Class A and B Misdemeanors)

| Statute/Prohibited Acts  | Section         | Remarks    |
|--|-----------------|------------|
| Any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than \$500 or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court. | 16 USC 433      |            |
| No person may excavate, remove, damage, or otherwise alter or deface, or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands unless such activity is pursuant to a permit.   | 16 USC 470ee(a) | *Mandatory |
| No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource if such resource was excavated or removed from public lands or Indian lands in violation of--(1) the prohibition contained in subsection (a) of this section, or (2) any provision, rule, regulation, ordinance, or permit in effect under any other provision of Federal law.   | 16 USC 470ee(b) | *Mandatory |
| No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange, in interstate or foreign commerce, any archaeological resource excavated, removed, sold, purchased, exchanged, transported, or received in violation of any provision, rule, regulation, ordinance, or permit in effect under State or local law.   | 16 USC 470ee(c) | *Mandatory |
| Whoever, within the United States or any place subject to the jurisdiction thereof, without being permitted to do so as provided in this subchapter, shall knowingly, or with wanton disregard for the consequences of his act take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any  | 16 USC 668(a)   | +Value     |

|  |                |        |
|--|----------------|--------|
| manner any bald eagle commonly known as the American eagle or any golden eagle, alive or dead, or any part, nest, or egg thereof of the foregoing eagles, or whoever violates any permit or regulation issued pursuant to this subchapter, shall be fined not more than \$5,000 or imprisoned not more than one year or both.  |                |        |
| It shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or eggs of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof. | 16 USC 703(a)  | +Value |
| No person who has attained the age of sixteen years shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting and conservation stamp validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds.   | 16 USC 718a    | +Value |
| Any person who--(1) while airborne in an aircraft shoots or attempts to shoot for the purpose of capturing or killing any bird, fish, or other animal; or (2) uses an aircraft to harass any bird, fish, or other animal; or (3) knowingly participates in using an aircraft for any purpose referred to in paragraph (1) or (2); shall be fined not more than \$5,000 or imprisoned not more than one year, or both.  | 16 USC 742j-1  | +Value |
| It is unlawful for any person-- (1) to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law; (2) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce--(A) any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law; (B) any plant taken,  | 16 USC 3372(a) | +Value |

|  |                   |        |
|--|-------------------|--------|
| possessed, transported, or sold in violation of any law or regulation of any State; or (C) any prohibited wildlife species (subject to subsection (e) of this section).  |                   |        |
| It is unlawful for any person to import, export, or transport in interstate commerce any container or package containing any fish or wildlife unless the container or package has previously been plainly marked, labeled, or tagged in accordance with the regulations issued pursuant to paragraph (2) of section 3376(a) of this title.   | 16 USC 3372(b)    | +Value |
| (1) Sale. It is deemed to be a sale of fish or wildlife in violation of this chapter for a person for money or other consideration to offer or provide--(A) guiding, outfitting, or other services; or (B) a hunting or fishing license or permit; for the illegal taking, acquiring, receiving, transporting, or possessing of fish or wildlife.<br>(2) Purchase. It is deemed to be a purchase of fish or wildlife in violation of this chapter for a person to obtain for money or other consideration--(A) guiding, outfitting, or other services; or (B) a hunting or fishing license or permit; for the illegal taking, acquiring, receiving, transporting, or possessing of fish or wildlife. | 16 USC 3372(c)    | +Value |
| It is unlawful for any person to make or submit any false record, account, or label for, or any false identification of, any fish, wildlife, or plant which has been, or is intended to be--(1) imported, exported, transported, sold, purchased, or received from any foreign country; or (2) transported in interstate or foreign commerce.  | 16 USC 3372(d)    | +Value |
| Any person who, without prior authorization from the Secretary knowingly destroys, disturbs, defaces, mars, alters, removes or harms any significant cave or alters the free movement of any animal or plant life into or out of any significant cave located on Federal lands, or enters a significant cave with the intention of committing any act described in this paragraph shall be punished in accordance with subsection (b) of this section.   | 16 USC 4306(a)(1) | +Value |
| Any person who possesses, consumes, sells, barter or exchanges, or offers for sale, barter or exchange, any cave resource from a significant cave with knowledge or reason to know that such resource was removed from a significant cave located on Federal lands shall be punished in  | 16 USC 4306(a)(2) | +Value |

|   |                   |  |
|---|-------------------|--|
| accordance with subsection (b) of this section.   |                   |  |
| Any person who counsels, procures, solicits, or employs any other person to violate any provisions of this subsection shall be punished in accordance with section \1\ (b) of this section.   | 16 USC 4306(a)(3) |  |
| It is a violation of this section intentionally to engage in any physical conduct that significantly hinders a lawful hunt.   | 16 USC 5201       |  |
| Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted--Shall be fined under this title or imprisoned not more than ten years, or both (not to exceed \$1,000 property value). | 18 USC 641        |  |
| Whoever willfully injures or commits any depredation against any property of the United States, or of any department or agency thereof, or any property which has been or is being manufactured or constructed for the United States, or any department or agency thereof, or attempts to commit any of the foregoing offenses (not to exceed \$1,000 property value).  | 18 USC 1361       |  |
| Whoever removes any timber from said public lands, with intent to export or to dispose of the same; or Whoever, being the owner, master, pilot, operator, or consignee of any vessel, motor vehicle, or aircraft or the owner, director, or agent of any railroad, knowingly transports any timber so cut or removed from said lands, or lumber manufactured therefrom--Shall be fined under this title or imprisoned not more than one year, or both.  | 18 USC 1852       |  |
| Whoever unlawfully cuts, or wantonly injures or destroys any tree growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of   | 18 USC 1853       |  |

|   |             |  |
|---|-------------|--|
| the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be fined under this title or imprisoned not more than one year, or both.  |             |  |
| Whoever, having kindled or caused to be kindled, a fire in or near any forest, timber, or other inflammable material upon any lands owned, controlled or leased by, or under the partial, concurrent, or exclusive jurisdiction of the United States, leaves said fire without totally extinguishing the same, or permits or suffers said fire to burn or spread beyond his control, or leaves or suffers said fire to burn unattended, shall be fined under this title or imprisoned not more than six months, or both.  | 18 USC 1856 |  |
| Whoever knowingly and unlawfully breaks, opens, or destroys any gate, fence, hedge, or wall inclosing any lands of the United States reserved or purchased for any public use; or Whoever drives any cattle, horses, hogs, or other livestock upon any such lands for the purposes of destroying the grass or trees on said lands, or where they may destroy the said grass or trees; or Whoever knowingly permits his cattle, horses, hogs, or other livestock to enter through any such inclosure upon any such lands of the United States, where such cattle, horses, hogs, or other livestock may or can destroy the grass or trees or other property of the United States on the said lands--Shall be fined under this title or imprisoned not more than one year, or both. This section shall not apply to unreserved public lands. | 18 USC 1857 |  |
| Whoever willfully destroys, defaces, changes, or removes to another place any section corner, quarter-section corner, or meander post, on any Government line of survey, or willfully cuts down any witness tree or any tree blazed to mark the line of a Government survey, or willfully defaces, changes, or removes any monument or bench mark of any Government survey, shall be fined under this title or imprisoned not more than six months, or both.  | 18 USC 1858 |  |
| Whoever, without lawful authority or permission, goes upon any national-forest land while it is closed to the public pursuant to lawful regulation of the Secretary of Agriculture, shall be fined under this title   | 18 USC 1863 |  |

|  |               |  |
|--|---------------|--|
| or imprisoned not more than six months, or both.   |               |  |
| It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this subchapter or subchapter II of this chapter. It shall be unlawful for any person knowingly or intentionally to possess any list I chemical obtained pursuant to or under authority of a registration issued to that person under section 823 of this title or section 958 of this title if that registration has been revoked or suspended, if that registration has expired, or if the registrant has ceased to do business in the manner contemplated by his registration. | 21 USC 844(a) |  |
|  |               |  |

APPENDIX A, NEW MEXICO STATUTES 1978  
CHAPTER 17, GAME AND FISH

17-2-10. Violation of game and fish laws or regulations; penalties. (1999)

A. Any person violating any of the provisions of Chapter 17 NMSA 1978 or any regulations adopted by the state game commission that relate to the time, extent, means or manner that game animals, birds or fish may be hunted, taken, captured, killed, possessed, sold, purchased or shipped is guilty of a misdemeanor and upon conviction may be sentenced to imprisonment in the county jail for a term not to exceed six months. In addition, the person shall be sentenced to the payment of a fine in accordance with the following schedule:

- (1) for illegally taking, attempting to take, killing, capturing or possessing of each deer, antelope, javelina, bear or cougar during a closed season, a fine of four hundred dollars (\$400);
- (2) for illegally taking, attempting to take, killing, capturing or possessing of each elk, bighorn sheep, oryx, ibex or Barbary sheep, a fine of one thousand dollars (\$1,000);
- (3) for hunting big game without a proper and valid license, lawfully procured, a fine of one hundred dollars (\$100);
- (4) for exceeding the bag limit of any big game species, a fine of four hundred dollars (\$400);
- (5) for attempting to exceed the bag limit of any big game species by the hunting of any big game animal after having tagged a similar big game species, a fine of two hundred dollars (\$200);
- (6) for signing a false statement to procure a resident hunting or fishing license when the applicant is residing in another state at the time of application for a license, a fine of four hundred dollars (\$400);
- (7) for using a hunting or fishing license issued to another person, a fine of one hundred dollars (\$100);
- (8) for a violation of Section 17-2-31 NMSA 1978, a fine of three hundred dollars (\$300);
- (9) for selling, offering for sale, offering to purchase or purchasing any big game animal, unless otherwise provided by Chapter 17 NMSA 1978, a fine of one thousand dollars (\$1,000);
- (10) for illegally taking, attempting to take, killing, capturing or possessing of each jaguar, a fine of two thousand dollars (\$2,000); and
- (11) for a violation of the provisions of Subsection A of Section 17-2A-3 NMSA 1978, a fine of five hundred dollars (\$500).

B. A person convicted a second time for violating any of the provisions of Chapter 17 NMSA 1978 or any regulations adopted by the state game commission that relate to the time, extent, means or manner that game animals, birds or fish may be hunted, taken, captured, killed, possessed, sold, purchased or shipped is guilty of a misdemeanor and upon conviction may be sentenced to imprisonment in the county jail for a term of not more than three hundred sixty-four days. In addition, the person shall be sentenced to the payment of a fine in accordance with the following schedule:

- (1) for illegally taking, attempting to take, killing, capturing or possessing of each deer, antelope, javelina, bear or cougar during a closed season, a fine of six hundred dollars (\$600);
- (2) for illegally taking, attempting to take, killing, capturing or possessing of each elk, bighorn sheep, oryx, ibex or Barbary sheep, a fine of one thousand five hundred dollars (\$1,500);
- (3) for hunting big game without a proper and valid license, lawfully procured, a fine of four hundred dollars (\$400);



- (4) for exceeding the bag limit of any big game species, a fine of six hundred dollars (\$600);
  - (5) for attempting to exceed the bag limit of any big game species by the hunting of any big game animal after having tagged a similar big game species, a fine of six hundred dollars (\$600);
  - (6) for signing a false statement to procure a resident hunting or fishing license when the applicant is residing in another state at the time of application for a license, a fine of six hundred dollars (\$600);
  - (7) for using a hunting or fishing license issued to another person, a fine of two hundred fifty dollars (\$250);
  - (8) for a violation of Section 17-2-31 NMSA 1978, a fine of five hundred dollars (\$500);
  - (9) for selling, offering for sale, offering to purchase or purchasing any big game animal, unless otherwise provided by Chapter 17 NMSA 1978, a fine of one thousand five hundred dollars (\$1,500);
  - (10) for illegally taking, attempting to take, killing, capturing or possessing of each jaguar, a fine of four thousand dollars (\$4,000); and
  - (11) for a violation of the provisions of Subsection A of Section 17-2A-3 NMSA 1978, a fine of one thousand dollars (\$1,000).
- C. Notwithstanding the provisions of Section 31-18-13 NMSA 1978, a person convicted a third or subsequent time for violating any of the provisions of Chapter 17 NMSA 1978 or any regulations adopted by the state game commission that relate to the time, extent, means or manner that game animals, birds or fish may be hunted, taken, captured, killed, possessed, sold, purchased or shipped is guilty of a misdemeanor and upon conviction may be sentenced to imprisonment in the county jail for a term of not less than ninety days, which shall not be suspended or deferred, and not more than three hundred sixty-four days. In addition, the person shall be sentenced to the payment of a fine in accordance with the following schedule:
- (1) for illegally taking, attempting to take, killing, capturing or possessing of each deer, antelope, javelina, bear or cougar during a closed season, a fine of one thousand two hundred dollars (\$1,200);
  - (2) for illegally taking, attempting to take, killing, capturing or possessing of each elk, bighorn sheep, oryx, ibex or Barbary sheep, a fine of three thousand dollars (\$3,000);
  - (3) for hunting big game without a proper and valid license, lawfully procured, a fine of one thousand dollars (\$1,000);
  - (4) for exceeding the bag limit of any big game species, a fine of one thousand two hundred dollars (\$1,200);
  - (5) for attempting to exceed the bag limit of any big game species by the hunting of any big game animal after having tagged a similar big game species, a fine of one thousand dollars (\$1,000);
  - (6) for signing a false statement to procure a resident hunting or fishing license when the applicant is residing in another state at the time of application for a license, a fine of one thousand two hundred dollars (\$1,200);
  - (7) for using a hunting or fishing license issued to another person, a fine of one thousand dollars (\$1,000);
  - (8) for a violation of Section 17-2-31 NMSA 1978, a fine of one thousand dollars (\$1,000);
  - (9) for selling, offering for sale, offering to purchase or purchasing any big game animal, unless otherwise provided by Chapter 17 NMSA 1978, a fine of three thousand dollars (\$3,000);
  - (10) for illegally taking, attempting to take, killing, capturing or possessing of each jaguar, a fine of six thousand dollars (\$6,000); and
  - (11) for a violation of the provisions of Subsection A of Section 17-2A-3 NMSA 1978, a fine of two thousand dollars (\$2,000).



D. Any person who is convicted of a violation of any regulations adopted by the state game commission that relate to the time, extent, means or manner that game animals, birds or fish may be hunted, taken, captured, killed, possessed, sold, purchased or shipped or of a violation of any of the provisions of Chapter 17 NMSA 1978, for which a punishment is not set forth under this section, shall be fined not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500) or imprisoned not more than six months or both.

E. The provisions of this section shall not be interpreted to prevent, constrain or penalize a Native American for engaging in activities for religious purposes, as provided in Section 17-2-14 or 17-2-41 NMSA 1978.

F. The provisions of this section shall not apply to a landowner or lessee, or employee of either of them, who kills an animal on private land, in which they have an ownership or leasehold interest, that is threatening human life or damaging or destroying property, including crops; provided, however, that the killing is reported to the department of game and fish within twenty-four hours and before the removal of the carcass of the animal killed; and provided further that all actions authorized in this subsection are carried out according to regulations of the department.

History: Laws 1931, ch. 117, § 7; 1941 Comp., § 43-209; 1953 Comp., § 53-2-9; Laws 1963, ch. 213, § 2; 1977, ch. 290, § 2; 1979, ch. 340, § 2; 1997, ch. 119, § 1; 1997, ch. 224, § 1; 1999, ch. 31, § 2.

Cross references. — For artificial wildlife being used and defined as game animals or birds for the purpose of presecution, see 17-2-2.1 NMSA 1978.

For revocation of license for violation of law, see 17-2-30, 17-3-34 and 17-5-9 NMSA 1978.

For penalties for violations as to endangered species, see 17-2-45 NMSA 1978.

For fines constituting current school fund, see N.M. Const., art. XII, § 4.