

Governor Markell signs bill declassifying and updating fines for certain hunting, fishing and boating offenses

Dover, DE – Today at Wilmington’s DuPont Environmental Education Center, as DNREC Secretary David S. Small and Delaware Chief Justice Leo Strine looked on, Delaware Governor Jack Markell signed legislation that changes more than three dozen less severe environmental offenses associated with wildlife, hunting, fishing and boating from environmental misdemeanors to environmental violations and exempts these violations from being included in state criminal history records. Sponsored by Sen. David McBride and co-sponsored by Rep. Debra Heffernan, Senate Bill 258 also updates and raises minimum fines for these environmental violations.

“I thank Senator McBride, along with Representative Heffernan, for their leadership in recognizing that many of our less severe environmental violations no longer need to be a criminal offense, and that we can provide an effective deterrent for potential violators by increasing fines while having violation records retained by DNREC,” said Governor Markell. “In this way, DNREC will continue to have the legal tools it needs to protect our natural resources without involving criminal courts.”



DNREC Secretary Dave Small spoke about SB258.

“Senate Bill 258 effectively modernizes and updates Delaware law to help support the work that DNREC’s Division of Fish and Wildlife Enforcement Section’s Natural Resources Police, does

to protect and conserve Delaware's fish, wildlife and habitat, and to provide for safe boating," said DNREC Secretary Small. "It also reflects our commitment to achieve compliance with Delaware's conservation and boating laws through education and necessary enforcement actions."

"It's important to constantly be alert to opportunities to use taxpayer dollars more wisely and to make our laws more just. This bill does both, by striking a much better balance, which will enable our environmental laws to be enforced more effectively and, as important, with less burden on DNREC, the courts, and Board of Pardons," Chief Justice Strine said. "Meanwhile, justice is better served by not placing obstacles to employment in front of people who commit minor environmental offenses."

"Many of the people who have historically been arrested for violating these laws have been pursuing both commercial and recreational interests," said Sen. McBride, D-Hawk's Nest. "One of the consequences was that individuals arrested ended up with criminal records which could have an impact on their ability to find jobs or pursue an education. This legislation eliminates the possibility of having a criminal history but at the same time creates a greater financial incentive for not breaking the law."

"I'm proud to have sponsored this new law," said House sponsor Rep. Heffernan, D-Brandywine Hundred South. "This is a jobs bill because it will keep environmental violations off a person's criminal record, which is important for pre-employment criminal background checks, while at the same time it will strengthen deterrence by raising the fines for wildlife, fishing and boating violations."



Governor Markell and bill
sponsor State
Representative Debra

Heffernan with signed bill
SB258.

What Senate Bill 258 does:

- Declassifies a number of less severe offenses associated with wildlife, hunting, trapping, fishing and boating by changing them from Class C and D environmental misdemeanors to environmental violations;
- Stipulates that these environmental violations will not be reported on criminal history records kept by the Delaware Criminal Justice Information System, used by police agencies throughout the state for criminal background checks;
- Examples of these environmental violations include: hunting, fishing or trapping without a license; trespassing to hunt, fish or trap; and improper marking of commercial crab or lobster pots;
- Authorizes DNREC to retain records on environmental violations to ensure that second offenses and higher penalties are pursued when appropriate;
- Raises the minimum fine for Class C environmental violations from \$50 to \$100 for first offenses, and the Class D environmental violations from \$25 to \$50 for first offenses; and
- Changes the jurisdiction for a number of environmental violations from Superior Court to Magistrate Court.