

102-130, §2(c), Oct. 17, 1991, 105 Stat. 626, related to the period of effectiveness of sections 1 to 8 of Pub. L. 98-613, prior to repeal by Pub. L. 103-206, title VIII, §812, formerly §810, Dec. 20, 1993, 107 Stat. 2453, renumbered §812, Pub. L. 104-297, title IV, §404(c), Oct. 11, 1996, 110 Stat. 3619. Section 812 of Pub. L. 103-206 was itself repealed by Pub. L. 106-555, title I, §122(b)(1)(B), (2), Dec. 21, 2000, 114 Stat. 2766.

CHAPTER 72—RECREATIONAL HUNTING SAFETY

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§ 5201. Obstruction of a lawful hunt

It is a violation of this section intentionally to engage in any physical conduct that significantly hinders a lawful hunt.

(Pub. L. 103-322, title XXXII, §320802, Sept. 13, 1994, 108 Stat. 2121.)

SHORT TITLE

Pub. L. 103-322, title XXXII, §320801, Sept. 13, 1994, 108 Stat. 2121, provided that: "This subtitle [subtitle H (§§320801-320808) of title XXXII of Pub. L. 103-322, enacting this chapter] may be cited as the 'Recreational Hunting Safety and Preservation Act of 1994'."

§ 5202. Civil penalties

(a) In general

A person who violates section 5201 of this title shall be assessed a civil penalty in an amount computed under subsection (b).

(b) Computation of penalty

The penalty shall be—

- (1) not more than \$10,000, if the violation involved the use of force or violence, or the threatened use of force or violence, against the person or property of another person; and
- (2) not more than \$5,000 for any other violation.

(c) Relationship to other penalties

The penalties established by this section shall be in addition to other criminal or civil penalties that may be levied against the person as a result of an activity in violation of section 5201 of this title.

(d) Procedure

Upon receipt of—

(1) a written complaint from an officer, employee, or agent of the Forest Service, Bureau of Land Management, National Park Service, United States Fish and Wildlife Service, or other Federal agency that a person violated section 5201 of this title; or

(2) a sworn affidavit from an individual and a determination by the Secretary that the statement contains sufficient factual allegations to create a reasonable belief that a violation of section 5201 of this title has occurred;

the Secretary may request the Attorney General of the United States to institute a civil action

for the imposition and collection of the civil penalty under this section.

(e) Use of penalty money collected

After deduction of costs attributable to collection, money collected from penalties shall be—

(1) deposited into the trust fund established pursuant to the Act entitled "An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes", approved September 2, 1937 (16 U.S.C. 669) (commonly known as the "Pitman-Robertson Wildlife Restoration Act"), to support the activities authorized by such Act and undertaken by State wildlife management agencies; or

(2) used in such other manner as the Secretary determines will enhance the funding and implementation of—

(A) the North American Waterfowl Management Plan signed by the Secretary of the Interior and the Minister of Environment for Canada in May 1986; or

(B) a similar program that the Secretary determines will enhance wildlife management—

(i) on Federal lands; or

(ii) on private or State-owned lands when the efforts will also provide a benefit to wildlife management objectives on Federal lands.

(Pub. L. 103-322, title XXXII, §320803, Sept. 13, 1994, 108 Stat. 2121.)

REFERENCES IN TEXT

The Pitman-Robertson Wildlife Restoration Act, referred to in subsec. (e)(1), is act Sept. 2, 1937, ch. 899, 50 Stat. 917, as amended, also known as the Federal Aid in Wildlife Restoration Act, which is classified generally to chapter 5B (§669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

§ 5203. Other relief

Injunctive relief against a violation of section 5201 of this title may be sought by—

- (1) the head of a State agency with jurisdiction over fish or wildlife management;
- (2) the Attorney General of the United States; or
- (3) any person who is or would be adversely affected by the violation.

(Pub. L. 103-322, title XXXII, §320804, Sept. 13, 1994, 108 Stat. 2122.)

§ 5204. Relationship to State and local law and civil actions

This chapter does not preempt a State law or local ordinance that provides for civil or criminal penalties for conduct that violates this chapter.

(Pub. L. 103-322, title XXXII, §320805, Sept. 13, 1994, 108 Stat. 2122.)

§ 5205. Regulations

The Secretary may issue such regulations as are necessary to carry out this chapter.

(Pub. L. 103-322, title XXXII, §320806, Sept. 13, 1994, 108 Stat. 2122.)