Public Law 85-730

August 23, 1958
[S. 532]

AN ACT

To revise and modernize the fish and game laws of the District of Columbia, and for other purposes.

D. C. game and fish laws, revision.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners are authorized to restrict, prohibit, regulate, and control hunting and fishing and the taking, possession and sale of wild animals in the District: *Provided*, That nothing herein contained shall authorize the Commissioners to impose any requirement for a fishing license or fee of any nature whatsoever: *Provided further*, That nothing herein contained shall authorize the Commissioners to prohibit, restrict, regulate, or control the killing, capture, purchase, sale, or possession of migratory birds as defined in regulations issued pursuant to the Migratory Bird Treaty Act of July 3, 1918, as amended (16 U. S. C. 703–711) and taken for scientific, propagating, or other purposes under permits issued by the Secretary of the Interior: *And provided further*, That nothing herein contained shall authorize the Commissioners to prohibit, restrict, regulate or control the sale or possession of wild animals taken legally in any State, Territory or possession of the United States or in any foreign country, or produced on a game farm, except as may be necessary to protect the public health or safety. As used in this section the term "wild animals" includes, without limitation, mammals, birds, fish, and reptiles not ordinarily domesticated.

40 Stat. 755.

Inspection.

SEC. 2. Authorized officers and employees of the Government of the United States or of the government of the District of Columbia are, for the purpose of enforcing the provisions of this Act and the regulations promulgated by the Commissioners under the authority of this Act, empowered, during business hours, to inspect any building or premises in or on which any business, trade, vocation or occupation requiring a license or permit is carried on, or any vehicle, boat, market box, market stall or cold-storage plant. No person shall refuse to permit any such inspection.

Seizure of rifles, etc.

SEC. 3. (a) All rifles, shotguns, ammunition, bows, arrows, traps, seines, nets, boats, and other devices of every nature or description used by any person within the District of Columbia when engaged in killing, ensnaring, trapping, or capturing any wild bird, wild mammal or fish contrary to this Act or any regulation made pursuant to this Act shall be seized by any police officer upon the arrest of such person on a charge of violating any provision of this Act or any regulations made pursuant thereto, and be delivered to the Commissioners. If the person so arrested is acquitted, the property so seized shall be returned to the person in whose possession it was found. If the person so arrested is convicted, the property so seized shall, in the discretion of the court, be forfeited to the District of Columbia, and be sold at public auction, the proceeds from such sale to be deposited in the Treasury to the credit of the District of Columbia. If any item of such property is not purchased at such auction, it shall be disposed of in accordance with regulations prescribed by the Commissioners.

Property liens.

(b) If any property seized under the authority of this section is subject to a lien which is established by intervention or otherwise to the satisfaction of the court as having been created without the

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lienor's having any notice that such property was to be used in connection with a violation of any provision of this Act or any regulation made pursuant thereto, the court, upon the conviction of the accused, may order a sale of such property at public auction. The officer conducting such sale, after deducting proper fees and costs incident to the seizure, keeping, and sale of such property, shall pay all such liens according to their priorities, and such lien or liens shall be transferred from the property to the proceeds of the sale thereof.

Conviction and fine.

SEC. 4. (a) Any person convicted of violating any provision of this Act, or any regulation made pursuant to this Act, shall be fined not more than $300 or imprisoned not more than 90 days, or both.

(b) Prosecutions for violations of this Act, or the regulations made pursuant thereto, shall be conducted in the name of the District of Columbia by the Corporation Counsel or any of his assistants.

Delegation of functions.

SEC. 5. (a) The Secretary of the Interior and the Commissioners, respectively, are authorized to delegate any of the functions to be performed by them under the authority of this Act.

(b) The Commissioners are authorized to make such regulations as may be necessary to carry out the purpose of this Act: *Provided*, That any regulations issued pursuant to this Act shall be subject to the approval of the Secretary of the Interior insofar as they involve any areas or waters of the District of Columbia under his administrative jurisdiction.

(c) As used in this Act the word "Commissioners" means the Commissioners of the District of Columbia or their designated agent or agents, and the words "Secretary of the Interior" means the Secretary of the Interior or his designated agent or agents.

Fish and wildlife control.

SEC. 6. Nothing in this Act or in any regulation promulgated by the Commissioners under the authority of this Act shall in any way impair the existing authority of the Secretary of the Interior to control and manage fish and wildlife on the land and waters in the District of Columbia under his administrative jurisdiction.

SEC. 7. Section 902 of the Act approved March 3, 1901 (31 Stat. 1336) as amended (title 22, secs. 1607 and 1703, D. C. Code, 1951 edition), is amended to read as follows:

"SEC. 902. PENALTIES.—Any person who shall violate any provision of the preceding section shall for each such offense be fined not more than $300 or imprisoned not more than ninety days, or both."

Repeals.

SEC. 8. The following Acts or parts of Acts are repealed:

(a) Sections 896, 897, 898, 899, 900, and 903 of the Act approved March 3, 1901 (31 Stat. 1335, 1336), as amended (title 22, secs. 1601, 1602, 1604, 1605, 1606, and 1608, D. C. Code, 1951 edition);

(b) Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of the Act approved March 3, 1899 (30 Stat. 1012), as amended (title 22, secs. 1609–1620, D. C. Code, 1951 edition);

(c) Sections 1, 2, 3, and 5 of the Act approved June 30, 1906 (34 Stat. 808), as amended (title 22, secs. 1621–1624, D. C. Code, 1951 edition);

(d) Sections 1 through 3 of the Act approved December 18, 1919 (41 Stat. 368; title 22, secs. 1625–1627, D. C. Code, 1951 edition); and

(e) Sections 1 through 4 of the Act approved March 3, 1927 (44 Stat. 1379; title 22, sec. 1603, D. C. Code, 1951 edition).

Effective date.

SEC. 9. This Act shall take effect on the 180th day following the approval thereof.

Approved August 23, 1958.

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