

# MPA NEWS



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## New California law strengthens MPA enforcement by giving field officers discretion to cite lesser offense

In the US state of California, where designation of a state-wide system of MPAs was completed in 2012, a new state law promoting enforcement of the state's 100+ MPAs has given field officers an additional tool against poachers.

Prior to the new law, any MPA poaching violation was to be cited as a misdemeanor, which under California law is subject to a trial by jury and punishable by up to six months in jail and a maximum \$1000 fine. Although a misdemeanor charge is appropriate for significant violations and repeat offenders, officers often let off small-time violators - say, a weekend angler who had unknowingly ventured into a closed area - with just a warning instead, no penalty. Additionally, district attorneys' offices (who are responsible for prosecuting all variety of crimes in society, including violent crimes) sometimes would not prioritize fish- and wildlife-related misdemeanors brought before them, due in part to being overburdened already with other cases. This combination of factors ultimately led to under-enforcement of California MPA regulations.

In June 2015, the California state legislature addressed this by passing a law to close the loophole. The new law gives officers in the field the discretion to cite a lower-level offense - an infraction - depending on the circumstances of each case. Infractions, which carry a fine from \$100 to \$1000, can be processed by a local traffic court (as they are roughly equivalent to a road traffic violation), rather than requiring the involvement of a district attorney and a trial by jury. The aim of this new law is to penalize MPA violators who might previously have been issued only a warning, while also avoiding the further clogging of the court system.

"The new law helps ensure that all poachers will face real consequences, including through the enforcement of minor violations," says Zachary Plopper, coastal and marine director of conservation group WILDCOAST, which supported passage of the law. "The result will be better protected MPAs and increased efficiency for busy courts and prosecutors throughout California."

The discretion does not apply to repeat offenders, commercial fishermen, or licensed party boat operators, who will still be charged with misdemeanors for violating MPA regulations and fully prosecuted.

The law takes effect 1 January 2016. Text of the law is at <http://bit.ly/CaliforniaMPAlaw>

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