

TITLE 2: NATURAL RESOURCES
DIVISION 5: ANIMALS, PLANTS AND FOOD

§ 5652. Enforcement and Penalties.

(a) Pursuant to this article, DLNR and DPS shall have concurrent jurisdiction to enforce and request the assistance of the Office of the Attorney General. Upon request the Office of the Attorney General may pursue either civil or criminal action to enforce this article.

(b) Any person found in violation of this article shall be fined not less than \$5,000 but not more than \$30,000 and/or imprisoned for not more than six months.

(c) Any person found in violation of this article on their third or subsequent offense shall be assessed a fine of not less than \$10,000 and a minimum imprisonment of 15 days.

(d) Any item seized pursuant to enforcement of this article and its regulations shall be held by any person authorized by DLNR pending disposition of civil or criminal proceedings, or the institution of an action *in rem* for the forfeiture of such item, except that after Notice and Public hearing DLNR, in lieu of holding such item, permit the owner, consignee, or other responsible person to post a bond or other surety satisfactory to DLNR.

(e) In addition to any penalties imposed under subsection (e) or (f), any person violating this article or any rule adopted under it shall be subject to any other penalties authorized by 2 CMC § 5109, and maybe assessed administrative fees and costs and attorney's fees and costs.

(f) The Department of Lands and Natural Resources may adopt rules and regulations pursuant to the Administrative Procedure Act necessary for the purposes of this article.

Source: PL 17-27 § 2(101)(d)-(i) (effective January 27, 2011), modified.

Commission Comment: The Commission changed all occurrences of "this Act" to "this article;" removed figures that repeated words; and changed "administrative fees and cost" to "administrative fees and costs" pursuant to the authority granted by 1 CMC § 3806(d), (e) and (g).