

STATEMENT OF PURPOSE

RS27755 / H0528

This bill amends Section 36-1401, Idaho Code, to make clear that it is a felony to unlawfully kill, possess, or waste wildlife within a twelve-month period, whose single or combined statutory reimbursement value is greater than \$1,000. On February 7, 2020, the Idaho Court of Appeals issued a decision in the case of State v. Huckabay, which changed the longstanding application of Section 36-1401(c)(3) to the unlawful killing, possession or waste of a single bighorn sheep, mountain goat, moose, trophy deer, trophy elk, or trophy pronghorn, which each has a reimbursement value under Section 36-1404, Idaho Code, of greater than \$1,000. In Huckabay the Court of Appeals held that felony charges in the language of Section 36-1401(c)(3) only applies to a person who kills, possesses, or wastes multiple animals. The Court held felony charges do not apply if only one highly valuable animal is illegally killed, possessed, or wasted. The practical effect of the decision in Huckabay is that a person who illegally takes a single animal deemed by law to be highly valuable is only subject to a misdemeanor penalty rather than the traditional felony penalty. The proposed amendment restores the traditional application of Section 36-1401(c)(3), making it clear that it is a felony to unlawfully kill, possess, or waste wildlife in a 12-month period whose value is greater than \$1,000, including the killing, possession, or waste of either a single animal or a combination of animals of this value.

FISCAL NOTE

There is no fiscal impact to the General Fund, and the impact to the Fish and Game dedicated fund would be consistent with longstanding application of this statute and related criminal penalty provisions.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).