

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 586

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-1401, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING VIOLATIONS, TO PROVIDE FOR CERTAIN REPORTING, AND
3 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 36-1402, IDAHO CODE, TO
4 PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PRO-
5 VIDING AN EFFECTIVE DATE.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 36-1401, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 36-1401. VIOLATIONS. (a) Infractions. Any person who pleads guilty to
11 or is found guilty of a violation of the following provisions of the fish
12 and game code or the following rules or proclamations promulgated pursuant
13 thereto is guilty of an infraction:

14 1. Statutes.

15 (A) Take, transport, use or have in possession bait fish as set
16 forth in section 36-902(d), Idaho Code.

17 (B) Chumming as set forth in section 36-902(e), Idaho Code.

18 (C) Nonresident child under the age of fourteen (14) years fish-
19 ing without a valid license and not accompanied by a valid license
20 holder as set forth in section 36-401(a)2., Idaho Code.

21 (D) Use or cut a hole larger than ten (10) inches in the ice for ice
22 fishing as set forth in section 36-1509(a), Idaho Code.

23 (E) Store fish without required tags/permits/statements as set
24 forth in section 36-503, Idaho Code.

25 (F) Own, possess or harbor any dog found running loose and ~~which~~
26 ~~is~~ tracking, pursuing, harassing or attacking a big game animal as
27 set forth in section 36-1101(b)7.(B), Idaho Code.

28 (G) Hunt migratory waterfowl without having in possession a
29 signed federal migratory bird hunting stamp as set forth in sec-
30 tion 36-1102(b)2., Idaho Code.

31 (H) Hunt migratory game birds without having in possession a li-
32 cense validated for the federal migratory bird harvest informa-
33 tion program permit as set forth in section 36-409(k), Idaho Code.

34 (I) Trap in or on or destroy or damage any muskrat house as pro-
35 vided in section 36-1103(c), Idaho Code.

36 (J) Hunt migratory game birds with a shotgun capable of holding
37 more than three (3) shells as provided and incorporated in section
38 36-1102(b), Idaho Code.

39 (K) Fail to purchase a muzzleloader permit as set forth in section
40 36-409(f), Idaho Code.

41 (L) Fail to purchase an archery permit as set forth in section
42 36-409(e), Idaho Code.

1 2. Rules or Proclamations.

2 (A) ~~Fish from a raft or boat with prohibited motor attached in wa-~~
 3 ~~ters where motors are prohibited or watercraft.~~

4 (B) Fish for sturgeon without a sliding sinker or lighter test
 5 terminal line to the sinker.

6 (C) Fish with hooks larger than allowed in that water.

7 (D) Fish with barbed hooks in waters where prohibited.

8 (E) Exceed any established bag limit for fish by one (1) fish,
 9 except bag limits for sturgeon and anadromous fish, landlocked
 10 chinook salmon, kamloops rainbow trout, lake trout, or bull trout
 11 salmon and steelhead, where the bag limit is at least one (1) fish.

12 (F) Fish with more than the approved number of lines or hooks.

13 (G) Fail to leave head and/or tail on fish while fish are in pos-
 14 session or being transported.

15 (H) Snag or hook fish other than in the head and fail to release,
 16 excluding anadromous fish.

17 (I) Fail to attend fishing line and keep it under surveillance at
 18 all times.

19 (J) Fail to comply with mandatory check and report requirements.

20 (K) Fail to leave evidence of sex or species attached as required
 21 on game birds.

22 (L) Hunt or take migratory game birds or upland game birds with
 23 shot exceeding the allowable size.

24 (M) Fail to release, report or turn in nontarget trapped animals.

25 (N) Fail to complete required report on trapped furbearer.

26 (O) Fail to present required furbearer animal parts for inspec-
 27 tion.

28 (P) Fail to attach identification tags to traps.

29 (Q) Possess not more than one (1) undersized bass.

30 (R) Park or camp in a restricted area, except length-of-stay vio-
 31 lations.

32 (S) Fail to leave evidence of sex attached as required on game
 33 animals.

34 (T) Fail to purchase a sharp-tailed grouse hunting permit when
 35 hunting for sharp-tailed grouse anywhere within the state, except
 36 licensed shooting preserves.

37 (U) Fail to wear at least thirty-six (36) square inches of vis-
 38 ible hunter orange above the waist when hunting locations where
 39 pheasants are stocked and the commission requires an upland game
 40 bird permit.

41 (V) Fail to comply with upland game bird shooting hours restric-
 42 tions established by commission rule or proclamation.

43 (W) Public use restrictions. Activities prohibited unless
 44 specifically authorized by the commission or under lease, permit,
 45 contract or agreement issued by the director, regional supervisor
 46 or other authorized agent:

47 (i) Use watercraft on any waters that are posted against
 48 such use;

49 (ii) Conduct dog field trials of any type during the period
 50 of October 1 through July 31. All dog field trials and dog

1 training with the use of artificially propagated game birds
 2 between August 1 and September 30 will be under department
 3 permit as authorized by the director;

4 (iii) Construct blinds, pits, platforms or tree stands
 5 where the soil is disturbed, trees are cut or altered, and
 6 artificial fasteners such as wire, rope or nails are used.
 7 All blinds shall be available to the public on a first-come,
 8 first-served basis. Portable manufactured blinds and tree
 9 stands are allowed but may not be left overnight;

10 (iv) Shoot within, across or into posted safety zones;

11 (v) Leave decoys unattended. Decoys cannot be put in place
 12 any earlier than two (2) hours prior to official shooting
 13 hours for waterfowl, and all decoys must be picked up and re-
 14 moved from the hunting site no later than two (2) hours after
 15 official shooting hours for waterfowl that particular day;

16 (vi) Discharge any paintball guns;

17 (vii) Place a geocache;

18 (viii) Use for group events of more than fifteen (15) people;

19 (ix) Use or transport any hay, straw or mulch that is not
 20 weed seed-free certified-;

21 (x) Have a dog at large or off leash where restricted;

22 (xi) Use any form of fireworks;

23 (xii) Place beehives or bee boards;

24 (xiii) Where value of property damage is less than one thou-
 25 sand dollars (\$1,000), disturb or remove soil, gravel, or
 26 minerals or allow livestock to graze or train except rid-
 27 ing and pack animals, or cut, dig, or remove crops, trees,
 28 shrubs, grasses, forbs, logs, or fuel wood;

29 (xiv) Park or camp in a restricted area, excluding length-
 30 of-stay violations.

31 ~~(WX) Evidence of species. In seasons restricted to mule deer~~
 32 ~~only or white-tailed deer only, if the head is removed, the~~
 33 ~~fully-haired tail must be left naturally attached to the carcass.~~

34 ~~(X) Fail to comply with requirements for accompanying a mentored~~
 35 ~~or disabled hunter or for carrying written designation for as-~~
 36 ~~sisting a disabled hunter. Continue to fish on Henry's lake after~~
 37 ~~reaching daily bag limit during the fishing take season.~~

38 (b) Misdemeanors. Any person who pleads guilty to, is found guilty of,
 39 or is convicted of a violation of the provisions of this title or rules or
 40 proclamations promulgated pursuant thereto, or orders of the commission,
 41 except where an offense is expressly declared to be an infraction or felony,
 42 shall be guilty of a misdemeanor.

43 (c) Felonies. Any person who pleads guilty to, is found guilty of, or
 44 is convicted of a violation of the following offenses shall be guilty of a
 45 felony:

46 1. Knowingly and intentionally selling or offering for sale or
 47 exchange, or purchasing or offering to purchase or exchange, any
 48 wildlife, or parts thereof, which has been unlawfully killed, taken or
 49 possessed.

1 2. Releasing into the wild, without a permit from the director, any of
2 the following wildlife, whether native or exotic: ungulates, bears,
3 wolves, large felines, swine, or peccaries.

4 3. Unlawfully killing, possessing, or wasting of any wildlife within a
5 twelve (12) month period having a single or combined reimbursable dam-
6 age assessment of more than one thousand dollars (\$1,000), as provided
7 in section 36-1404, Idaho Code.

8 4. Conviction within ten (10) years of three (3) or more violations of
9 the provisions of this title, penalties for which include either or both
10 a mandatory license revocation or a reimbursable damage assessment.

11 (d) The director shall update the house resources and conservation com-
12 mittee and the senate resources and environment committee during each leg-
13 islative session concerning new rules and proclamations containing penal-
14 ties.

15 SECTION 2. That Section 36-1402, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 36-1402. PENALTY -- INFRACTION -- MISDEMEANOR -- FELONY -- REVOCATION
18 OF LICENSE -- DISPOSITION OF MONEYS. (a) Infraction Penalty. Except as pro-
19 vided for in subsection (b) of this section, any person who pleads guilty to
20 or is found guilty of an infraction of this code, or rules or proclamations
21 promulgated pursuant thereto, shall be subject to a fine of seventy-two dol-
22 lars (\$72.00).

23 (b) A violation of section 36-1401(a)1.(K) through (L) or (a)2.(S)
24 through (X), Idaho Code, shall constitute an infraction subject to a fine of
25 two hundred fifty dollars (\$250).

26 (c) Misdemeanor Penalty. Any person entering a plea of guilty for,
27 found guilty of or convicted of a misdemeanor under the provisions of this
28 title or rules or proclamations promulgated pursuant thereto shall, ex-
29 cept in cases where a higher penalty is prescribed, be fined in a sum of not
30 less than twenty-five dollars (\$25.00) nor more than one thousand dollars
31 (\$1,000) and/or by commitment to jail for not more than six (6) months. The
32 minimum fine, per animal, fish or bird, for the illegal taking, illegal pos-
33 session or the illegal waste of the following animals, fish or birds shall be
34 as indicated below:

Animal, Fish or Bird	Minimum Fine
Bighorn sheep, mountain goat and moose	\$500
Elk	\$300
Any other big game animal	\$200
Wild turkey, swan and sturgeon	\$200
Chinook salmon, wild steelhead and bull trout	\$100
Any other game bird, game fish or furbearer	\$ 25

42 (d) Felony Penalty. Any person entering a plea of guilty for, found
43 guilty of or convicted of a felony under the provisions of this title shall be
44 punished in accordance with section 18-112, Idaho Code. Provided further,
45 that the judge hearing the case shall forthwith revoke for life, the hunting,

1 fishing or trapping license and privileges of any person who, within a five
2 (5) year period, pleads guilty to, is found guilty of or is convicted of three
3 (3) or more felony violations of the provisions of this title.

4 (e) License Revocation. Any person entering a plea of guilty or being
5 found guilty or convicted of violating any of the provisions of this title,
6 or who otherwise fails to comply with the requirements of a citation in con-
7 nection with any such offense, may, in addition to any other penalty assessed
8 by the court, have his hunting, fishing, or trapping privileges revoked for
9 such period of time as may be determined by the court not to exceed three (3)
10 years, except that violations classified as felonies under section 36-1401,
11 Idaho Code, or as flagrant violations as defined in subsection (f) of this
12 section, shall authorize the court to impose license revocations for peri-
13 ods of time up to and including life, with said period beginning on the date
14 of conviction, finding of guilt or the entry of the plea of guilty. Pro-
15 vided further, that the magistrate hearing the case shall forthwith revoke
16 the hunting, fishing, or trapping privileges for a period of not less than
17 one (1) year for any of the following offenses:

- 18 1. Taking or possessing upland game birds, migratory waterfowl,
19 salmon, steelhead, sturgeon, or any big game animal during closed sea-
20 son.
- 21 2. Exceeding the daily bag or possession limit of upland game birds, mi-
22 gratory waterfowl or big game animals.
- 23 3. Taking any fish by unlawful methods as set forth in section 36-902 (a)
24 or (c), Idaho Code.
- 25 4. Unlawfully purchasing, possessing or using any license, tag or per-
26 mit as set forth in section 36-405 (c), Idaho Code.
- 27 5. Violating section 36-1603, Idaho Code.
- 28 6. The unlawful release of any species of live fish into any public body
29 of water in the state. For purposes of this paragraph, an "unlawful re-
30 lease of any species of live fish" shall mean a release of any species of
31 live fish, or live eggs thereof, in the state without the permission of
32 the director of the department of fish and game; provided, that no per-
33 mission is required when fish are being freed from a hook and released at
34 the same time and place where caught or when crayfish are being released
35 from a trap at the same time and place where caught.

36 Provided further, that the magistrate hearing the case of a first-time
37 hunting violation offender under the age of twenty-one (21) years may re-
38 quire that the offender attend a remedial hunter education course at the of-
39 fender's expense. Upon successful completion of the course, the remainder
40 of the revocation period shall be subject to a withheld judgment as long as
41 the offender is not convicted of any additional hunting violations during
42 the period. The cost of the course shall be seventy-five dollars (\$75.00) to
43 be paid to the department. The commission shall establish by rule the cur-
44 riculum of the hunter education remedial course.

45 The revocation shall consist of cancellation of an existing license for
46 the required length of time and/or denial of the privilege of purchasing an
47 applicable license for the length of time required to meet the revocation
48 period decreed. In the case of persons pleading guilty, convicted or found
49 guilty of committing multiple offenses, the revocation periods may run
50 consecutively. In the case of pleas of guilty, convictions or findings of

1 guilt involving taking big game animals during closed season or exceeding
2 the daily bag or possession limit of big game, the magistrate hearing the
3 case shall revoke the hunting, fishing or trapping privileges of any person
4 convicted or found guilty of those offenses for a period of not less than one
5 (1) year for each big game animal illegally taken or possessed by the person
6 convicted or found guilty.

7 It shall be a misdemeanor for any person to hunt, fish, or trap or pur-
8 chase a license to do so during the period of time for which such privilege is
9 revoked.

10 For the purpose of this title, the term "conviction" shall mean either a
11 withheld judgment or a final conviction.

12 (f) Flagrant Violations. In addition to any other penalties assessed
13 by the court, the magistrate hearing the case shall forthwith revoke the
14 hunting, fishing or trapping privileges for a period of not less than one
15 (1) year and may revoke the privileges for a period up to and including the
16 person's lifetime, for any person who enters a plea of guilty, who is found
17 guilty, or who is convicted of any of the following flagrant violations:

18 1. Taking a big game animal after sunset by spotlighting, with use of
19 artificial light, or with a night vision enhancement device.

20 2. Unlawfully taking two (2) or more big game animals within a twelve
21 (12) month period.

22 3. Taking a big game animal with a rimfire or centerfire cartridge
23 firearm during an archery or muzzleloader only hunt.

24 4. Hunting, fishing, trapping or purchasing a license when license
25 privileges have been revoked pursuant to this section or section
26 36-1501, Idaho Code.

27 5. Taking any big game animal during a closed season.

28 6. Any felony violation provided in section 36-1401, Idaho Code.

29 (g) For purposes of the wildlife violator compact, section 36-2301,
30 Idaho Code, et seq., the department shall:

31 1. Suspend a violator's license for failure to comply with the terms of
32 a citation from a party state. A copy of a report of failure to comply
33 from the licensing authority of the issuing state shall be conclusive
34 evidence.

35 2. Revoke a violator's license for a conviction in a party state. A
36 report of conviction from the licensing authority of the issuing state
37 shall be conclusive evidence.

38 (h) Disposition of Fines and Forfeitures. Distribution of fines and
39 forfeitures remitted shall be in accordance with section 19-4705, Idaho
40 Code.

41 SECTION 3. An emergency existing therefor, which emergency is hereby
42 declared to exist, this act shall be in full force and effect on and after
43 July 1, 2022.