

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 90

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1401, IDAHO CODE, TO REVISE
INFRACTION PROVISIONS REGARDING UPLAND GAME BIRD SHOOTING HOURS RE-
STRICTIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

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

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

1. Statutes.

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

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

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

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

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

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

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

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

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

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

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

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

2. Rules or Proclamations.

- 1 (A) Fish from a raft or boat with motor attached in waters where
2 motors are prohibited.
- 3 (B) Fish with hooks larger than allowed in that water.
- 4 (C) Fish with barbed hooks in waters where prohibited.
- 5 (D) Exceed any established bag limit for fish by one (1) fish, ex-
6 cept bag limits for anadromous fish, landlocked chinook salmon,
7 kamloops rainbow trout, lake trout, or bull trout.
- 8 (E) Fish with more than the approved number of lines or hooks.
- 9 (F) Fail to leave head and/or tail on fish while fish are in pos-
10 session or being transported.
- 11 (G) Snag or hook fish other than in the head and fail to release,
12 excluding anadromous fish.
- 13 (H) Fail to attend fishing line and keep it under surveillance at
14 all times.
- 15 (I) Fail to comply with mandatory check and report requirements.
- 16 (J) Fail to leave evidence of sex or species attached as required
17 on game birds.
- 18 (K) Hunt or take migratory game birds or upland game birds with
19 shot exceeding the allowable size.
- 20 (L) Fail to release, report or turn in nontarget trapped animals.
- 21 (M) Fail to complete required report on trapped furbearer.
- 22 (N) Fail to present required furbearer animal parts for inspec-
23 tion.
- 24 (O) Fail to attach identification tags to traps.
- 25 (P) Possess not more than one (1) undersized bass.
- 26 (Q) Park or camp in a restricted area, except length of stay viola-
27 tions.
- 28 (R) Fail to leave evidence of sex attached as required on game ani-
29 mals.
- 30 (S) Fail to purchase sage grouse or sharp-tailed grouse hunting
31 permit when hunting for sage grouse or sharp-tailed grouse any-
32 where within the state, except licensed shooting preserves.
- 33 (T) Fail to wear at least thirty-six (36) square inches of visible
34 hunter orange above the waist when hunting on wildlife management
35 areas where pheasants are stocked.
- 36 (U) ~~Take upland game birds, except wild turkey, from one-half~~
37 ~~(1/2) hour after sunset to one-half (1/2) hour before sunrise.~~
38 ~~Wild turkey shall not be taken between sunset and one-half (1/2)~~
39 ~~hour before sunrise. Upland game birds shall not be taken before~~
40 ~~10 a.m. during the pheasant season on the Fort Boise, Montour,~~
41 ~~Payette river and C.J. Strike wildlife management areas~~ Fail to
42 comply with upland game bird shooting hours restrictions estab-
43 lished by commission rule or proclamation.
- 44 (V) Public use restrictions. Activities prohibited unless
45 specifically authorized by the commission or under lease, permit,
46 contract or agreement issued by the director, regional supervisor
47 or other authorized agent:
- 48 (i) Use watercraft on any waters that are posted against
49 such use;

1 (ii) Conduct dog field trials of any type during the period
 2 of October 1 through July 31. All dog field trials and dog
 3 training with the use of artificially propagated game birds
 4 between August 1 and September 30 will be under department
 5 permit as authorized by the director;

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

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

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

19 (vi) Discharge any paintball guns;

20 (vii) Place a geocache;

21 (viii) Use for group events of ~~over~~ more than fifteen (15)
 22 people;

23 (ix) Use or transport any hay, straw or mulch that is not
 24 weed seed free certified.

25 (W) Evidence of species. In seasons restricted to mule deer
 26 only or white-tailed deer only, if the head is removed, the
 27 fully-haired tail must be left naturally attached to the carcass.

28 (X) Continue to fish on Henry's lake after reaching limit.

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

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

37 1. Knowingly and intentionally selling or offering for sale or
 38 exchange, or purchasing or offering to purchase or exchange, any
 39 wildlife, or parts thereof, which has been unlawfully killed, taken or
 40 possessed.

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

44 3. Unlawfully killing, possessing or wasting of any combination of
 45 numbers or species of wildlife within a twelve (12) month period which
 46 has a single or combined reimbursable damage assessment of more than one
 47 thousand dollars (\$1,000), as provided in section 36-1404, Idaho Code.

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