

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 672

BY WAYS AND MEANS 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 CORRECT CODE REFERENCES; AND DECLARING AN EMERGENCY AND PROVID-
5 ING 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 a prohibited motor attached in~~
 3 ~~waters 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 hook points, or crawfish traps.

14 (G) Fish with bait where prohibited or fish in waters designated
 15 as fly fishing only with fishing gear other than fly rod, fly reel,
 16 fly line, or artificial flies.

17 (H) Fish with two (2) poles without a two (2) pole permit, except
 18 ice fishing.

19 (I) ~~Fail to leave head and/or tail on fish while fish are in pos-~~
 20 ~~session or being transported.~~

21 (J) ~~Snag or hook fish other than in the head and fail to release,~~
 22 ~~excluding anadromous fish.~~

23 (K) ~~Fail to attend fishing line and keep it under surveillance at~~
 24 ~~all times.~~

25 (L) Fail to comply with requirements for mandatory check and
 26 report requirements for big game, furbearer, or migratory birds;
 27 or animal part presentation; or the requirement for unsuccessful
 28 moose, mountain goat, bighorn sheep, and grizzly bear hunters to
 29 return unused tags.

30 (M) Fail to leave evidence of sex or species attached as required
 31 on game birds or game animals.

32 (N) ~~Hunt or take~~ Fail to comply with shot size or nontoxic shot
 33 restrictions for migratory game birds, ~~or~~ upland game birds with
 34 shot exceeding the allowable size, or upland game animals.

35 (O) ~~Fail to release, report or turn in nontarget trapped animals.~~

36 (P) ~~Fail to complete required report on trapped furbearer.~~

37 (Q) ~~Fail to present required furbearer animal parts for inspec-~~
 38 ~~tion.~~

39 (R) ~~Fail to attach identification tags to traps.~~

40 (S) ~~Possess not more than one (1) undersized bass game fish out-~~
 41 ~~side of established length requirements.~~

42 (T) ~~Park or camp in a restricted area, except length-of-stay vio-~~
 43 ~~lations.~~

44 (U) ~~Fail to leave evidence of sex attached as required on game~~
 45 ~~animals validate upland game permit for department-stocked birds.~~

46 (V) ~~Fail to purchase a sharp-tailed grouse hunting permit when~~
 47 ~~hunting for sharp-tailed grouse anywhere within the state, except~~
 48 ~~licensed shooting preserves.~~

49 (W) ~~Fail to wear at least thirty-six (36) square inches of vis-~~
 50 ~~ible hunter orange above the waist when hunting locations where~~

1 pheasants are stocked and the commission requires an upland game
2 bird permit.

3 ~~(UW) Fail to comply with upland game bird, upland game animal,
4 migratory game bird, or crow shooting hours restrictions estab-
5 lished by commission rule or proclamation.~~

6 ~~(VX) Public use restrictions. Activities prohibited unless
7 specifically authorized by the commission or under lease, permit,
8 contract or agreement issued by the director, regional supervisor
9 or other authorized agent:~~

10 (i) Use watercraft on any waters that are posted against
11 such use;

12 (ii) Conduct dog field trials ~~of any type during the period~~
13 ~~of October 1 through July 31. All dog field trials and dog~~
14 ~~training with the use of artificially propagated game birds~~
15 ~~between August 1 and September 30 will be under department~~
16 ~~permit as authorized by the director not authorized by rule~~
17 ~~or permit;~~

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

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

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

30 (vi) Discharge any paintball guns;

31 (vii) Place a geocache;

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

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

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

36 ~~(xi) Use any form of fireworks;~~

37 ~~(xii) Place beehives or bee boards;~~

38 ~~(xiii) Where value of property damage is less than one thou-
39 sand dollars (\$1,000), disturb or remove soil, gravel, or
40 minerals or allow livestock to graze or train except rid-
41 ing and pack animals, or cut, dig, or remove crops, trees,
42 shrubs, grasses, forbs, logs, or fuel wood.~~

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

46 ~~-(X) Fail to comply with requirements for accompanying a mentored
47 or disabled hunter or for carrying written designation for assist-
48 ing a disabled hunter.~~

49 ~~(Z) Continue to fish on Henry's lake after reaching daily bag
50 limit during the fishing take season.~~

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

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

9 1. Knowingly and intentionally selling or offering for sale or
 10 exchange, or purchasing or offering to purchase or exchange, any
 11 wildlife, or parts thereof, ~~which has been~~ unlawfully killed, taken or
 12 possessed.

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

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

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

23 (d) The director shall update the house resources and conservation com-
 24 mittee and the senate resources and environment committee during each leg-
 25 islative session concerning new rules and proclamations containing penal-
 26 ties.

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

29 36-1402. PENALTY -- INFRACTION -- MISDEMEANOR -- FELONY -- REVOCATION
 30 OF LICENSE -- DISPOSITION OF MONEYS. (a) Infraction Penalty. Except as pro-
 31 vided for in subsection (b) of this section, any person who pleads guilty to
 32 or is found guilty of an infraction of this code, or rules or proclamations
 33 promulgated pursuant thereto, shall be subject to a fine of seventy-two dol-
 34 lars (\$72.00).

35 (b) A violation of section 36-1401(a)1.(K) through (L) or (a)2.(~~SU~~)
 36 through (~~XY~~), Idaho Code, shall constitute an infraction subject to a fine of
 37 two hundred fifty dollars (\$250).

38 (c) Misdemeanor Penalty. Any person entering a plea of guilty for,
 39 found guilty of or convicted of a misdemeanor under the provisions of this
 40 title or rules or proclamations promulgated pursuant thereto shall, ex-
 41 cept in cases where a higher penalty is prescribed, be fined in a sum of not
 42 less than twenty-five dollars (\$25.00) nor more than one thousand dollars
 43 (\$1,000) and/or by commitment to jail for not more than six (6) months. The
 44 minimum fine, per animal, fish or bird, for the illegal taking, illegal pos-
 45 session or the illegal waste of the following animals, fish or birds shall be
 46 as indicated below:

	Animal, Fish or Bird	Minimum Fine
1		
2	Bighorn sheep, mountain goat and moose	\$500
3	Elk	\$300
4	Any other big game animal	\$200
5	Wild turkey, swan and sturgeon	\$200
6	Chinook salmon, wild steelhead and bull trout	\$100
7	Any other game bird, game fish or furbearer	\$ 25

8 (d) Felony Penalty. Any person entering a plea of guilty for, found
9 guilty of or convicted of a felony under the provisions of this title shall be
10 punished in accordance with section 18-112, Idaho Code. Provided further,
11 that the judge hearing the case shall forthwith revoke for life, the hunting,
12 fishing or trapping license and privileges of any person who, within a five
13 (5) year period, pleads guilty to, is found guilty of or is convicted of three
14 (3) or more felony violations of the provisions of this title.

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

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

47 Provided further, that the magistrate hearing the case of a first-time
48 hunting violation offender under the age of twenty-one (21) years may re-

1 quire that the offender attend a remedial hunter education course at the of-
2 fender's expense. Upon successful completion of the course, the remainder
3 of the revocation period shall be subject to a withheld judgment as long as
4 the offender is not convicted of any additional hunting violations during
5 the period. The cost of the course shall be seventy-five dollars (\$75.00) to
6 be paid to the department. The commission shall establish by rule the cur-
7 riculum of the hunter education remedial course.

8 The revocation shall consist of cancellation of an existing license for
9 the required length of time and/or denial of the privilege of purchasing an
10 applicable license for the length of time required to meet the revocation
11 period decreed. In the case of persons pleading guilty, convicted or found
12 guilty of committing multiple offenses, the revocation periods may run
13 consecutively. In the case of pleas of guilty, convictions or findings of
14 guilt involving taking big game animals during closed season or exceeding
15 the daily bag or possession limit of big game, the magistrate hearing the
16 case shall revoke the hunting, fishing or trapping privileges of any person
17 convicted or found guilty of those offenses for a period of not less than one
18 (1) year for each big game animal illegally taken or possessed by the person
19 convicted or found guilty.

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

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

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

- 31 1. Taking a big game animal after sunset by spotlighting, with use of
32 artificial light, or with a night vision enhancement device.
- 33 2. Unlawfully taking two (2) or more big game animals within a twelve
34 (12) month period.
- 35 3. Taking a big game animal with a rimfire or centerfire cartridge
36 firearm during an archery or muzzleloader only hunt.
- 37 4. Hunting, fishing, trapping or purchasing a license when license
38 privileges have been revoked pursuant to this section or section
39 36-1501, Idaho Code.
- 40 5. Taking any big game animal during a closed season.
- 41 6. Any felony violation provided in section 36-1401, Idaho Code.

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

- 44 1. Suspend a violator's license for failure to comply with the terms of
45 a citation from a party state. A copy of a report of failure to comply
46 from the licensing authority of the issuing state shall be conclusive
47 evidence.
- 48 2. Revoke a violator's license for a conviction in a party state. A
49 report of conviction from the licensing authority of the issuing state
50 shall be conclusive evidence.

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

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