

IN THE SENATE

SENATE BILL NO. 1063

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO FENCES; AMENDING SECTION 35-301, IDAHO CODE, TO REVISE PROVI-
2 SIONS REGARDING THE CARELESS EXPOSURE OF BARBED WIRE; AMENDING SECTION
3 35-302, IDAHO CODE, TO REVISE PROVISIONS REGARDING A NOTICE TO OWNER;
4 AMENDING SECTION 35-303, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN
5 OWNER'S LIABILITY AFTER NOTICE; AMENDING SECTION 35-305, IDAHO CODE, TO
6 REVISE PROVISIONS REGARDING PENALTIES; AND DECLARING AN EMERGENCY AND
7 PROVIDING AN EFFECTIVE DATE.
8

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

10 SECTION 1. That Section 35-301, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 35-301. CARELESS EXPOSURE OF BARBED WIRE UNLAWFUL. It shall be unlaw-
13 ful for any person, occupant, owner, firm, or corporation, ~~who, having who~~
14 has barbed wire or barbed wire fences, ~~to allow the same to be left down or~~
15 strewn around on the ground or in disrepair in such a manner ~~that livestock~~
16 are liable to be injured thereby: provided, however, that no person, firm or
17 corporation shall be liable for barbed wires left down or strewn about where
18 the same are not so exposed that there is danger of injury to animals running
19 at large and under circumstances or conditions likely to permit the live-
20 stock to escape the fenced area and expose the livestock to injury.

21 SECTION 2. That Section 35-302, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 35-302. NOTICE TO OWNER. It shall be the duty of any ~~person,~~ sheriff,
24 deputy sheriff, constable, or policeman having knowledge by written notice
25 or otherwise that any ~~said~~ barbed wire or barbed wire fence is ~~so~~ down or
26 strewn on the ground or in disrepair to give notice either verbally or other-
27 wise to such person, occupant, owner, firm, or corporation that said barbed
28 wire or barbed wire fence is so down or strewn on the ground or in disrepair.

29 SECTION 3. That Section 35-303, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 35-303. OWNER'S LIABILITY AFTER NOTICE. Any It shall be unlawful for
32 any person, occupant, owner, firm, or corporation ~~who,~~ after knowing by his
33 own knowledge or by receiving such notice as provided in section 35-302,
34 shall Idaho Code, to fail to remove same correct the violation within ten
35 (10) days after such notice, and such person, occupant, owner, firm, or
36 corporation shall be subject to the fines contained herein penalties as pro-
37 vided in this chapter.

1 SECTION 4. That Section 35-305, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 35-305. PENALTY. Any person, occupant, owner, firm, or corporation
4 violating any of the provisions of this chapter for the first time shall be
5 deemed guilty of a misdemeanor and on conviction thereof shall be fined in
6 any sum not less than five dollars (\$5.00) or more than twenty-five dollars
7 (\$25.00), in the discretion of the court to have committed an infraction and
8 shall be fined in the amount of one hundred fifty dollars (\$150). Any per-
9 son, occupant, owner, firm, or corporation violating the provisions of this
10 chapter for a second time within five (5) years of a first violation shall
11 be deemed to have committed an infraction and shall be fined in an amount of
12 up to three hundred dollars (\$300). Any person, occupant, owner, firm, or
13 corporation violating the provisions of this chapter for a third time within
14 five (5) years of a previous violation shall be deemed to have committed a
15 misdemeanor.

16 SECTION 5. An emergency existing therefor, which emergency is hereby
17 declared to exist, this act shall be in full force and effect on and after
18 July 1, 2023.