

IN THE SENATE

SENATE BILL NO. 1231

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1402, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS SHALL NOT BE ELIGIBLE TO APPLY FOR ANY FISHING, HUNTING, OR TRAPPING LICENSES, TAGS, OR PERMITS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-1402, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(c) Misdemeanor Penalty. Any person entering a plea of guilty for, found guilty of or convicted of a misdemeanor under the provisions of this title or rules or proclamations promulgated pursuant thereto shall, except in cases where a higher penalty is prescribed, be ~~fin~~ punished by a fine in a sum of ~~not~~ no less than twenty-five dollars (\$25.00) ~~nor~~ or more than one thousand dollars (\$1,000) and/or by commitment to jail for ~~not~~ no more than six (6) months. The minimum fine, per animal, fish or bird, for the illegal taking, illegal possession or ~~the~~ illegal waste of the following animals, fish or birds shall be 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

(d) Felony Penalty. Any person entering a plea of guilty for, found guilty of or convicted of a felony under the provisions of this title shall be punished in accordance with section 18-112, Idaho Code. Provided further, that the judge hearing the case shall forthwith revoke for life, the hunting, fishing or trapping license and privileges of any person who, within a five

1 (5) year period, pleads guilty to, is found guilty of or is convicted of three  
2 (3) or more felony violations of the provisions of this title.

3 (e) License Revocation. Any person entering a plea of guilty or being  
4 found guilty or convicted of violating any of the provisions of this title,  
5 or who otherwise fails to comply with the requirements of a citation in con-  
6 nection with any such offense, may, in addition to any other penalty assessed  
7 by the court, have his hunting, fishing, or trapping privileges revoked for  
8 such period of time as may be determined by the court not to exceed three (3)  
9 years, except that violations classified as felonies under section 36-1401,  
10 Idaho Code, or as flagrant violations as defined in subsection (f) of this  
11 section, shall authorize the court to impose license revocations for peri-  
12 ods of time up to and including life, with said period beginning on the date  
13 of conviction, finding of guilt or the entry of the plea of guilty. Pro-  
14 vided further, that the magistrate hearing the case shall forthwith revoke  
15 the hunting, fishing, or trapping privileges for a period of ~~not~~ no less than  
16 one (1) year for any of the following offenses:

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

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

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

1 the daily bag or possession limit of big game, the magistrate hearing the  
 2 case shall revoke the hunting, fishing or trapping privileges of any person  
 3 convicted or found guilty of those offenses for a period of ~~not~~ no less than  
 4 one (1) year for each big game animal illegally taken or possessed by the per-  
 5 son convicted or found guilty.

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

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

11 (f) Flagrant Violations. In addition to any other penalties assessed  
 12 by the court, the magistrate hearing the case shall forthwith revoke the  
 13 hunting, fishing or trapping privileges for a period of ~~not~~ no less than one  
 14 (1) year and may revoke the privileges for a period up to and including the  
 15 person's lifetime, for any person who enters a plea of guilty, who is found  
 16 guilty, or who is convicted of any of the following flagrant violations:

- 17 1. Taking a big game animal after sunset by spotlighting, with use of
- 18 artificial light, or with a night vision enhancement device.
- 19 2. Unlawfully taking two (2) or more big game animals within a twelve
- 20 (12) month period.
- 21 3. Taking a big game animal with a rimfire or centerfire cartridge
- 22 firearm during an archery\_ or muzzleloader\_ only hunt.
- 23 4. Hunting, fishing, trapping or purchasing a license when license
- 24 privileges have been revoked pursuant to this section or section
- 25 36-1501, Idaho Code.
- 26 5. Taking any big game animal during a closed season.
- 27 6. Any felony violation provided in section 36-1401, Idaho Code.

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

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

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

40 (i) Any person with outstanding fines from violations of this title  
 41 shall not be eligible to apply for any fishing, hunting, or trapping license,  
 42 tag, or permit.

43 SECTION 2. An emergency existing therefor, which emergency is hereby  
 44 declared to exist, this act shall be in full force and effect on and after  
 45 July 1, 2024.