

IN THE SENATE

SENATE BILL NO. 1231, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-1402, IDAHO CODE, TO PROVIDE
2 THAT CERTAIN PERSONS SHALL NOT BE ELIGIBLE TO APPLY FOR ANY FISHING,
3 HUNTING, OR TRAPPING LICENSES, TAGS, OR PERMITS, TO PROVIDE THAT CER-
4 TAIN VIOLATORS MAY HAVE THEIR HUNTING, FISHING, OR TRAPPING PRIVILEGES
5 REVOKED, TO PROVIDE THAT CERTAIN VIOLATORS SHALL HAVE THEIR HUNTING,
6 FISHING, OR TRAPPING PRIVILEGES REVOKED, TO PROVIDE FOR SUSPENSION OF
7 LIFETIME LICENSES, TO PROVIDE AN EXCEPTION, AND TO MAKE TECHNICAL COR-
8 RECTIONS; AMENDING SECTION 36-1404, IDAHO CODE, TO PROVIDE THAT CERTAIN
9 PERSONS SHALL HAVE THEIR HUNTING, FISHING, OR TRAPPING PRIVILEGES RE-
10 VOKED; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
11

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

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

15 36-1402. PENALTY -- INFRACTION -- MISDEMEANOR -- FELONY -- REVOCATION
16 OF LICENSE -- DISPOSITION OF MONEYS. (a) Infraction Penalty. Except as pro-
17 vided for in subsection (b) of this section, any person who pleads guilty to
18 or is found guilty of an infraction of this code, or rules or proclamations
19 promulgated pursuant thereto, shall be subject to a fine of seventy-two dol-
20 lars (\$72.00).

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

24 (c) Misdemeanor Penalty. Any person entering a plea of guilty for,
25 found guilty of or convicted of a misdemeanor under the provisions of this
26 title or rules or proclamations promulgated pursuant thereto shall, except
27 in cases where a higher penalty is prescribed, be ~~fined~~ punished by a fine in
28 a sum of ~~not~~ no less than twenty-five dollars (\$25.00) ~~not~~ or more than one
29 thousand dollars (\$1,000) and/or by commitment to jail for ~~not~~ no more than
30 six (6) months. The minimum fine, per animal, fish or bird, for the illegal
31 taking, illegal possession or ~~the~~ illegal waste of the following animals,
32 fish or birds shall be as indicated below:

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

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

8 (e) License Revocation. Any person entering a plea of guilty or being
 9 found guilty or convicted of violating any of the provisions of this title,
 10 or who otherwise may, in addition to any other penalty assessed by the court,
 11 have his hunting, fishing, or trapping privileges revoked for such period of
 12 time as may be determined by the court not to exceed three (3) years. Any per-
 13 son who otherwise fails to comply with the requirements of a citation in con-
 14 nection with any such offense, may shall, in addition to any other penalty
 15 assessed by the court, have his hunting, fishing, or trapping privileges re-
 16 voked for such period of time as may be determined by the court not to exceed
 17 three (3) years, except that violations classified as felonies under section
 18 36-1401, Idaho Code, or as flagrant violations as defined in subsection (f)
 19 of this section, shall authorize the court to impose license revocations for
 20 periods of time up to and including life, with said period beginning on the
 21 date of conviction, finding of guilt or the entry of the plea of guilty. Pro-
 22 vided further, that the magistrate hearing the case shall forthwith revoke
 23 the hunting, fishing, or trapping privileges for a period of ~~not~~ no less than
 24 one (1) year for any of the following offenses:

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

43 Provided further, that the magistrate hearing the case of a first-time
 44 hunting violation offender under the age of twenty-one (21) years may re-
 45 quire that the offender attend a remedial hunter education course at the of-
 46 fender's expense. Upon successful completion of the course, the remainder
 47 of the revocation period shall be subject to a withheld judgment as long as
 48 the offender is not convicted of any additional hunting violations during
 49 the period. The cost of the course shall be seventy-five dollars (\$75.00) to

1 be paid to the department. The commission shall establish by rule the cur-
2 riculum of the hunter education remedial course.

3 The revocation shall consist of cancellation of an existing license for
4 the required length of time and/or denial of the privilege of purchasing an
5 applicable license for the length of time required to meet the revocation
6 period decreed. In the case of persons pleading guilty to, convicted of or
7 found guilty of committing multiple offenses, the revocation periods may run
8 consecutively. In the case of pleas of guilty, convictions or findings of
9 guilt involving taking big game animals during closed season or exceeding
10 the daily bag or possession limit of big game, the magistrate hearing the
11 case shall revoke the hunting, fishing or trapping privileges of any person
12 convicted or found guilty of those offenses for a period of ~~not~~ no less than
13 one (1) year for each big game animal illegally taken or possessed by the per-
14 son convicted or found guilty.

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

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

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

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

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

- 39 1. Suspend a violator's license for failure to comply with the terms of
40 a citation from a party state. A copy of a report of failure to comply
41 from the licensing authority of the issuing state shall be conclusive
42 evidence.
- 43 2. Revoke a violator's license for a conviction in a party state. A
44 report of conviction from the licensing authority of the issuing state
45 shall be conclusive evidence.

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

49 (i) Any person with outstanding fines or judgments of reimbursement
50 or restitution from violations of this title shall not be eligible to apply

1 for any fishing, hunting, or trapping license, tag, or permit. Lifetime
 2 licenses shall be suspended until all fines, reimbursements, and restitu-
 3 tion are paid in full. The provisions of this subsection shall not apply to
 4 violators on court-approved time payment plans that are not ninety (90) days
 5 or more in arrears.

6 SECTION 2. That Section 36-1404, Idaho Code, be, and the same is hereby
 7 amended to read as follows:

8 36-1404. UNLAWFUL KILLING, POSSESSION OR WASTE OF WILD ANIMALS, BIRDS
 9 AND FISH -- REIMBURSABLE DAMAGES -- SCHEDULE -- ASSESSMENT BY MAGISTRATES --
 10 INSTALLMENT PAYMENTS -- DEFAULT JUDGMENTS -- DISPOSITION OF MONEYS. (a) In
 11 addition to the penalties provided for violating any of the provisions of ti-
 12 tle 36, Idaho Code, any person who pleads guilty, is found guilty of or is
 13 convicted of the illegal killing or the illegal possession or illegal waste
 14 of game animals or birds or fish shall reimburse the state for each animal so
 15 killed or possessed or wasted as follows:

- 16 1. Elk, seven hundred fifty dollars (\$750) per animal killed, possessed
 17 or wasted.
- 18 2. Caribou, bighorn sheep, mountain goat, grizzly bear and moose, one
 19 thousand five hundred dollars (\$1,500) per animal killed, possessed or
 20 wasted.
- 21 3. Any other species of big game, four hundred dollars (\$400) per animal
 22 killed, possessed or wasted.
- 23 4. Wild turkey and swan, two hundred fifty dollars (\$250) per bird
 24 killed, possessed or wasted.
- 25 5. Sturgeon, two hundred fifty dollars (\$250) per fish killed, pos-
 26 sessed or wasted.
- 27 6. Bull trout, anadromous salmon and steelhead, one hundred fifty dol-
 28 lars (\$150) per fish killed, possessed or wasted.
- 29 7. Any other game bird, game fish or furbearer, fifty dollars (\$50.00)
 30 per animal killed, possessed or wasted.

31 Provided further, that any person who pleads guilty, is found guilty of,
 32 or is convicted of illegal killing, illegal possession or illegal waste of a
 33 trophy big game animal as defined in section 36-202(h), Idaho Code, shall re-
 34 imburse the state for each animal so killed, possessed or wasted, as follows:

- 35 1. Trophy mule deer: two thousand dollars (\$2,000) per animal killed,
 36 possessed or wasted;
- 37 2. Trophy white-tailed deer: two thousand dollars (\$2,000) per animal
 38 killed, possessed or wasted;
- 39 3. Trophy elk: five thousand dollars (\$5,000) per animal killed, pos-
 40 sessed or wasted;
- 41 4. Trophy bighorn sheep: ten thousand dollars (\$10,000) per animal
 42 killed, possessed or wasted;
- 43 5. Trophy moose: ten thousand dollars (\$10,000) per animal killed,
 44 possessed or wasted;
- 45 6. Trophy mountain goat: ten thousand dollars (\$10,000) per animal
 46 killed, possessed or wasted;
- 47 7. Trophy pronghorn antelope: two thousand dollars (\$2,000) per animal
 48 killed, possessed or wasted;

1 8. Trophy caribou: ten thousand dollars (\$10,000) per animal killed,
2 possessed or wasted;

3 9. Trophy grizzly bear: ten thousand dollars (\$10,000) per animal
4 killed, possessed or wasted.

5 For each additional animal of the same category killed, possessed or
6 wasted during any twelve (12) month period, the amount to be reimbursed shall
7 double from the amount for each animal previously illegally killed, pos-
8 sessed or wasted. For example, the reimbursable damages for three (3) elk
9 illegally killed during a twelve (12) month period would be five thousand
10 two hundred fifty dollars (\$5,250), calculated as follows: seven hundred
11 fifty dollars (\$750) for the first elk; one thousand five hundred dollars
12 (\$1,500) for the second elk; and three thousand dollars (\$3,000) for the
13 third elk. In the case of three (3) trophy elk illegally killed in a twelve
14 (12) month period, the reimbursable damages would be thirty-five thousand
15 dollars (\$35,000) calculated as follows: five thousand dollars (\$5,000)
16 for the first elk, ten thousand dollars (\$10,000) for the second elk, and
17 twenty thousand dollars (\$20,000) for the third elk. Provided however, that
18 wildlife possessing a fifty dollar (\$50.00) reimbursement value shall be
19 figured at the same rate per each animal in violation, without compounding.

20 (b) In every case of a plea of guilty, a finding of guilt or a conviction
21 of unlawfully releasing any fish species into any public body of water in the
22 state, the court before whom the plea of guilty, finding of guilt, or con-
23 viction is obtained shall enter judgment ordering the defendant to reimburse
24 the state for the cost of the expenses, not to exceed ten thousand dollars
25 (\$10,000), incurred by the state to correct the damage caused by the unlawful
26 release. For purposes of this subsection, "unlawfully releasing any fish
27 species" means a release of any species of live fish, or live eggs thereof,
28 in the state without the permission of the director of the department of fish
29 and game; provided, that no permission is required when fish are being freed
30 from a hook and released at the same time and place where caught or when cray-
31 fish are being released from a trap at the same time and place where caught.

32 (c) In every case of a plea of guilty, a finding of guilt or a convic-
33 tion, the court before whom such plea of guilty, finding of guilt or convic-
34 tion is obtained shall enter judgment ordering the defendant to reimburse
35 the state in a sum or sums as hereinbefore set forth including postjudgment
36 interest. If two (2) or more defendants are convicted of the illegal tak-
37 ing, killing or the illegal possession or wasting of the game animal, bird or
38 fish, such judgment shall be declared against them jointly and severally.

39 (d) The judgment shall fix the manner and time of payment and may permit
40 the defendant to pay the judgment in installments at such times and in such
41 amounts as, in the opinion of the court, the defendant is able to pay. In no
42 event shall any defendant be allowed more than two (2) years from the date
43 judgment is entered to pay the judgment.

44 (e) A defaulted judgment or any installment payment thereof may be col-
45 lected by any means authorized for the enforcement of a judgment under the
46 provisions of the Idaho Code.

47 (f) All courts ordering such judgments of reimbursement shall order
48 such payments to be made to the department, which shall deposit them with the
49 state treasurer, and the treasurer shall place them in the state fish and
50 game account.

1 (g) The court shall retain jurisdiction over the case. If at any time
2 the defendant is in arrears ninety (90) days or more, the court ~~may~~ shall re-
3 voke the defendant's hunting, fishing or trapping privileges until the de-
4 fendant completes payment of the judgment.

5 SECTION 3. An emergency existing therefor, which emergency is hereby
6 declared to exist, this act shall be in full force and effect on and after
7 July 1, 2024.