

IN THE SENATE

SENATE BILL NO. 1328

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-502, IDAHO CODE, TO PROVIDE  
2 FOR THE RELEASE OF CERTAIN CAPTURED WILDLIFE AND TO PROVIDE FOR WRITTEN  
3 CONSENT.  
4

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

6 SECTION 1. That Section 36-502, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 36-502. POSSESSION -- TRANSPORTATION -- SHIPMENT OF WILDLIFE --  
9 RESTRICTIONS -- EXCEPTIONS -- RELEASE OF CAPTURED WILDLIFE. No person shall  
10 possess, transport or ship in any manner, or accept for transportation or  
11 shipment any wildlife except as hereinafter provided.

12 (a) Possession and Transportation.

13 1. The possession and transportation of any legally taken wildlife  
14 shall be lawful when the same is in the possession of or is being  
15 transported by the taker of said wildlife and is accompanied by the  
16 appropriate licenses, tags, and/or permits attached and/or validated  
17 in the manner prescribed by the provisions of sections 36-409(d) and  
18 36-410(a), Idaho Code.

19 2. Possession or transportation of any legally taken wildlife by  
20 any person other than the taker shall be lawful when such wildlife  
21 is accompanied by a written statement prepared and signed by the  
22 taker showing the number, kind, and date taken and the name, address  
23 and license number of the taker and other such information as may be  
24 specified by the commission. In addition to such statements said  
25 wildlife shall be accompanied by the appropriate validated tag therefor  
26 and/or such permits as may be required under the provisions of this  
27 title except, for anadromous fish, the permit need not accompany the  
28 fish so long as the permit number is written on the proxy statement.  
29 Provided, however, that no person may lawfully claim, be granted or  
30 assume ownership of more game animals, game birds, or game fish taken  
31 within the state than allowed by possession limits established by the  
32 commission.

33 3. It shall be lawful for a person to ship or a common carrier to accept  
34 for shipment any legally taken wildlife provided that all packages  
35 containing such wildlife shall be plainly labeled designating numbers,  
36 sex and species of wildlife contained therein and the name and address  
37 of the consignor and consignee.

38 4. No person shall give another person wildlife to possess or transport  
39 unless they also give the transporter a proxy statement as provided in  
40 subsection 2. of this section.

1 (b) Unlawful Possession. No person shall have in his possession any  
2 wildlife or parts thereof protected by the provisions of this title and the  
3 taking or killing of which is unlawful.

4 (c) Release of Captured Wildlife. Any native wildlife, classified  
5 as predatory wildlife or unprotected wildlife, captured as the result of  
6 activity deleterious to human activity, may be released on private lands in  
7 the county of origin or on private lands in adjacent counties to the county of  
8 origin, with the written consent of the landowner of the property where the  
9 release occurs. The written consent shall include the date and the number of  
10 each species to be released.