

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 43

BY BERCH

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-1510, IDAHO CODE, TO PROHIBIT
2 INTERFERENCE WITH CERTAIN LANDS, HIGHWAYS, AND NAVIGABLE STREAMS AND TO
3 MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN
4 EFFECTIVE DATE.
5

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

7 SECTION 1. That Section 36-1510, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 36-1510. INTERFERENCE WITH HUNTING, FISHING, TRAPPING OR WILDLIFE
10 CONTROL. (1) No person shall:

11 (a) Intentionally interfere with the lawful taking or control of
12 wildlife by another; ~~or~~

13 (b) Intentionally harass, bait, drive or disturb any animal for the
14 purpose of disrupting lawful pursuit or taking thereof; ~~or~~

15 (c) Damage or destroy in any way any lawful hunting blind with the in-
16 tent to interfere with its usage for hunting; ~~or~~

17 (d) Harass, intimidate or threaten by any means, including, but not
18 limited to, ~~personal or written contact, or contact~~ via telephone,
19 ~~e-mail~~ email or website, any person who is or was engaged in the lawful
20 taking or control of fish or wildlife;

21 (e) Willfully post, sign, or otherwise indicate or communicate that any
22 of the following are privately owned or not open for public use, unless
23 otherwise permitted under a valid, existing exclusive control lease or
24 special use permit:

25 (i) Public land open to use by the public;

26 (ii) Private land open to use by the public pursuant to a valid
27 easement, access agreement, or right-of-way agreement;

28 (iii) Highways as defined in section 49-109, Idaho Code; or

29 (iv) Navigable streams as defined in and as access is permitted by
30 section 36-1601, Idaho Code; or

31 (f) Willfully obstruct, block, or otherwise interfere with a person's
32 attempt to lawfully enter upon or lawfully use any of the following,
33 unless otherwise permitted under a valid, existing exclusive control
34 lease or special use permit:

35 (i) Public land open to use by the public;

36 (ii) Private land open to use by the public pursuant to a valid
37 easement, access agreement, or right-of-way agreement;

38 (iii) Highways as defined in section 49-109, Idaho Code; or

39 (iv) Navigable streams as defined in and as access is permitted by
40 section 36-1601, Idaho Code.

1 Nothing in this subsection shall alter or limit, in any way, the use of canals
2 and facilities for the diversion, appropriation, and use of water as pro-
3 vided in chapters 11 and 12, title 42, Idaho Code.

4 (2) Any fish and game enforcement officer or peace officer who reason-
5 ably believes that a person has violated provisions of this section may ar-
6 rest such person therefor.

7 (3) (a) The conduct declared unlawful in this section does not include
8 any incidental interference arising from lawful activity by land users
9 or interference by a landowner or members of his immediate family aris-
10 ing from activities on his own property.

11 (b) The conduct declared unlawful in this section does not include con-
12 stitutionally protected activity.

13 (4) Every person convicted or entering a plea of guilty or of nolo con-
14 tendere for violation of this section is subject to a fine of not to exceed
15 one thousand five hundred dollars (\$1,500) or confinement for six (6) months
16 in the county jail, or both such fine and confinement.

17 (5) In addition to the penalties provided in subsection (4) of this sec-
18 tion, any person who is damaged by any act prohibited in this section may re-
19 cover treble civil damages. A party seeking civil damages under this sub-
20 section ~~(5)~~ may recover upon proof of a violation of the provisions of this
21 section by a preponderance of the evidence. The state of Idaho, or any per-
22 son, may have relief by injunction against violations of the provisions of
23 this section. Any party recovering judgment under this subsection ~~(5)~~ may be
24 awarded a reasonable attorney's fee.

25 SECTION 2. An emergency existing therefor, which emergency is hereby
26 declared to exist, this act shall be in full force and effect on and after
27 July 1, 2023.