

IN THE SENATE

SENATE BILL NO. 1328

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

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

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

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

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

(a) Possession and Transportation.

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

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

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

4. No person shall give another person wildlife to possess or transport unless they also give the transporter a proxy statement as provided in 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.