

IN THE SENATE

SENATE BILL NO. 1062

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO TRESPASS; AMENDING SECTIONS 18-7008 AND 36-1603, IDAHO CODE, TO  
2 PROVIDE FOR THE USE OF HIGH VISIBILITY SHADES OF ORANGE PAINT IN POST-  
3 INGS ASSOCIATED WITH TRESPASSING PROHIBITIONS AND TO MAKE A TECHNICAL  
4 CORRECTION.  
5

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

7 SECTION 1. That Section 18-7008, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 18-7008. TRESPASS -- ACTS CONSTITUTING. A. Every person who willfully  
10 commits any trespass, by either:

11 1. Cutting down, destroying or injuring any kind of wood or timber be-  
12 longing to another, standing or growing upon the lands of another; or

13 2. Carrying away any kind of wood or timber lying on such lands; or

14 3. Maliciously injuring or severing from the freehold of another, any-  
15 thing attached thereto, or the produce thereof; or

16 4. Digging, taking, or carrying away from any lot situated within the  
17 limits of any incorporated city, without the license of the owner or le-  
18 gal occupant thereof, any earth, soil, or stone; or

19 5. Digging, taking, or carrying away from any land in any of the cities  
20 of the state, laid down on the map or plan of such city, or otherwise rec-  
21 ognized or established as a street, alley, avenue, or park, without the  
22 license of the proper authorities, any earth, soil or stone; or

23 6. Willfully opening, tearing down, or otherwise destroying any fence  
24 on the enclosed land of another, or opening any gate, bar, or fence of  
25 another and willfully leaving it open, or using the corral or corrals of  
26 another without the permission of the owner; or

27 7. Willfully covering up or encumbering in any manner, the land or city  
28 lot of another, without written permission from the owner or custodian  
29 thereof; or

30 8. Every person, except under landlord-tenant relationship, who, being  
31 first notified in writing, or verbally by the owner or authorized agent  
32 of the owner of real property, to immediately depart from the same and  
33 who refuses to so depart, or who, without permission or invitation, re-  
34 turns and enters said property within a year, after being so notified;  
35 or

36 9. Entering without permission of the owner or the owner's agent, upon  
37 the real property of another person which real property is posted with  
38 "No Trespassing" signs, is posted with a minimum of one hundred (100)  
39 square inches of fluorescent orange, bright orange, blaze orange,  
40 safety orange or any similar high visibility shade of orange colored  
41 paint except that when metal fence posts are used, the entire post must  
42 be painted ~~fluorescent~~ a high visibility shade of orange, or other no-

1 tices of like meaning, spaced at intervals of not less than one (1) sign,  
 2 paint area or notice per six hundred sixty (660) feet along such real  
 3 property; provided that where the geographical configuration of the  
 4 real property is such that entry can reasonably be made only at certain  
 5 points of access, such property is posted sufficiently for all purposes  
 6 of this section if said signs, paint or notices are posted at such points  
 7 of access; or

8 10. Entering the property of another and, being unprovoked, intention-  
 9 ally and without the consent of the animal's owner, kills or injures a  
 10 domestic animal not his own:

11 Is guilty of a misdemeanor.

12 B. Every person who while committing any trespass, intentionally and  
 13 without consent of the animal's owner kills or injures a domestic animal of  
 14 another, not including upland game birds or birds of any species not pro-  
 15 tected by law, shall be guilty of a misdemeanor. In addition to any other  
 16 sentence of jail or a criminal fine imposed, a court may, for violation of  
 17 this subsection or subsection A.10. of this section, impose a civil penalty  
 18 in an amount up to double the value of the animal or for injuries sustained  
 19 and payable to the owner of the animal.

20 SECTION 2. That Section 36-1603, Idaho Code, be, and the same is hereby  
 21 amended to read as follows:

22 36-1603. TRESPASSING ON CULTIVATED LANDS OR IN VIOLATION OF WARNING  
 23 SIGNS -- POSTING OF PUBLIC LANDS. (a) No person shall enter the real property  
 24 of another and shoot any weapon or enter such property for the purposes of  
 25 hunting, retrieving wildlife, fishing or trapping, without the permission  
 26 of the owner or person in charge of the property, which property is either  
 27 cultivated or posted with legible "No Trespassing" signs, is posted with a  
 28 minimum of one hundred (100) square inches of fluorescent orange, bright or-  
 29 ange, blaze orange, safety orange or any similar high visibility shade of or-  
 30 ange colored paint except that when metal fence posts are used, the entire  
 31 post must be painted fluorescent a high visibility shade of orange, or other  
 32 notices of like meaning, placed in a conspicuous manner on or near all bound-  
 33 aries at intervals of not less than one (1) sign, paint area or notice per six  
 34 hundred sixty (660) feet provided that where the geographical configuration  
 35 of the real property is such that entry can reasonably be made only at cer-  
 36 tain points of access, such property is posted sufficiently for all purposes  
 37 of this subsection if said signs, paint areas or notices are posted at such  
 38 points of access. For the purposes of this section, "cultivated" shall mean  
 39 soil that is being or has been prepared by loosening or breaking up for the  
 40 raising of crops, or used for the raising of crops, or artificially irrigated  
 41 pasturage. No person shall fail to depart immediately from the real property  
 42 of another after being notified in writing or orally by the owner of the real  
 43 property or the owner's authorized agent.

44 (b) No person shall post, sign, or indicate that any public lands within  
 45 this state, not held under an exclusive control lease, are privately owned  
 46 lands.