

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 161

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-1401, IDAHO CODE, TO PRO-
2 VIDE THAT CERTAIN VIOLATIONS SHALL BE AN INFRACTION; AMENDING SECTION
3 36-1402, IDAHO CODE, TO PROVIDE PENALTIES FOR CERTAIN INFRACTIONS AND
4 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 36-1404, IDAHO CODE, TO
5 PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND
6 AMENDING SECTION 36-1101, IDAHO CODE, TO PROVIDE A CORRECT CODE REFER-
7 ENCE AND TO MAKE TECHNICAL CORRECTIONS.
8

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

10 SECTION 1. That Section 36-1401, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 36-1401. VIOLATIONS. (a) Infractions. Any person who pleads guilty to
13 or is found guilty of a violation of the following provisions of the fish
14 and game code or the following rules or proclamations promulgated pursuant
15 thereto is guilty of an infraction:

16 1. Statutes.

17 (A) Take, transport, use or have in possession bait fish as set
18 forth in section 36-902(d), Idaho Code.

19 (B) Chumming as set forth in section 36-902(e), Idaho Code.

20 (C) Nonresident child under the age of fourteen (14) years fish-
21 ing without a valid license and not accompanied by a valid license
22 holder as set forth in section 36-401(a)2., Idaho Code.

23 (D) Use or cut a hole larger than ten (10) inches in the ice for ice
24 fishing as set forth in section 36-1509(a), Idaho Code.

25 (E) Store fish without required tags/permits/statements as set
26 forth in section 36-503, Idaho Code.

27 (F) Own, possess or harbor any dog found running loose and which
28 is tracking, pursuing, harassing or attacking a big game animal as
29 set forth in section 36-1101(b)7.(B), Idaho Code.

30 (G) Hunt migratory waterfowl without having in possession a
31 signed federal migratory bird hunting stamp as set forth in sec-
32 tion 36-1102(b)2., Idaho Code.

33 (H) Hunt migratory game birds without having in possession a li-
34 cense validated for the federal migratory bird harvest informa-
35 tion program permit as set forth in section 36-409(k), Idaho Code.

36 (I) Trap in or on, destroy or damage any muskrat house as provided
37 in section 36-1103(c), Idaho Code.

38 (J) Hunt migratory game birds with a shotgun capable of holding
39 more than three (3) shells as provided and incorporated in section
40 36-1102(b), Idaho Code.

41 (K) Fail to purchase a muzzleloader permit as set forth in section
42 36-409(f), Idaho Code.

1 (L) Fail to purchase an archery permit as set forth in section
 2 36-409(e), Idaho Code.

3 2. Rules or Proclamations.

4 (A) Fish from a raft or boat with motor attached in waters where
 5 motors are prohibited.

6 (B) Fish with hooks larger than allowed in that water.

7 (C) Fish with barbed hooks in waters where prohibited.

8 (D) Exceed any established bag limit for fish by one (1) fish, ex-
 9 cept bag limits for anadromous fish, landlocked chinook salmon,
 10 kamloops rainbow trout, lake trout, or bull trout.

11 (E) Fish with more than the approved number of lines or hooks.

12 (F) Fail to leave head and/or tail on fish while fish are in pos-
 13 session or being transported.

14 (G) Snag or hook fish other than in the head and fail to release,
 15 excluding anadromous fish.

16 (H) Fail to attend fishing line and keep it under surveillance at
 17 all times.

18 (I) Fail to comply with mandatory check and report requirements.

19 (J) Fail to leave evidence of sex or species attached as required
 20 on game birds.

21 (K) Hunt or take migratory game birds or upland game birds with
 22 shot exceeding the allowable size.

23 (L) Fail to release, report or turn in nontarget trapped animals.

24 (M) Fail to complete required report on trapped furbearer.

25 (N) Fail to present required furbearer animal parts for inspec-
 26 tion.

27 (O) Fail to attach identification tags to traps.

28 (P) Possess not more than one (1) undersized bass.

29 (Q) Park or camp in a restricted area, except length of stay viola-
 30 tions.

31 (R) Fail to leave evidence of sex attached as required on game ani-
 32 mals.

33 (S) Fail to purchase sage grouse or sharp-tailed grouse hunting
 34 permit when hunting for sage grouse or sharp-tailed grouse any-
 35 where within the state, except licensed shooting preserves.

36 (T) Fail to wear at least thirty-six (36) square inches of visible
 37 hunter orange above the waist when hunting on wildlife management
 38 areas where pheasants are stocked.

39 (U) Take upland game birds, except wild turkey, from one-half
 40 (1/2) hour after sunset to one-half (1/2) hour before sunrise.
 41 Wild turkey shall not be taken between sunset and one-half (1/2)
 42 hour before sunrise. Upland game birds shall not be taken before
 43 10 a.m. during the pheasant season on the Fort Boise, Montour,
 44 Payette river and C.J. Strike wildlife management areas.

45 (V) Public use restrictions. Activities prohibited unless
 46 specifically authorized by the commission or under lease, permit,
 47 contract or agreement issued by the director, regional supervisor
 48 or other authorized agent:

49 (i) Use watercraft on any waters that are posted against
 50 such use;

1 (ii) Conduct dog field trials of any type during the period
 2 of October 1 through July 31. All dog field trials and dog
 3 training with the use of artificially propagated game birds
 4 between August 1 and September 30 will be under department
 5 permit as authorized by the director;

6 (iii) Construct blinds, pits, platforms or tree stands
 7 where the soil is disturbed, trees are cut or altered,
 8 and artificial fasteners, such as wire, rope or nails are
 9 used. All blinds shall be available to the public on a
 10 first-come-first-served basis. Portable manufactured
 11 blinds and tree stands are allowed but may not be left
 12 overnight;

13 (iv) Shoot within, across or into posted safety zones;

14 (v) Leave decoys unattended. Decoys cannot be put in place
 15 any earlier than two (2) hours prior to official shooting
 16 hours for waterfowl and all decoys must be picked up and re-
 17 moved from the hunting site no later than two (2) hours after
 18 official shooting hours for waterfowl that particular day;

19 (vi) Discharge any paintball guns;

20 (vii) Place a geocache;

21 (viii) Use for group events of over fifteen (15) people;

22 (ix) Use or transport any hay, straw or mulch that is not
 23 weed seed free certified.

24 (W) Evidence of species. In seasons restricted to mule deer
 25 only or white-tailed deer only, if the head is removed, the
 26 fully-haired tail must be left naturally attached to the carcass.

27 (X) Continue to fish on Henry's lake after reaching limit.

28 (b) Misdemeanors. Any person who pleads guilty to, is found guilty
 29 or is convicted of a violation of the provisions of this title or rules or
 30 proclamations promulgated pursuant thereto, or orders of the commission,
 31 except where an offense is expressly declared to be an infraction or felony,
 32 shall be guilty of a misdemeanor.

33 (c) Felonies. Any person who pleads guilty to, is found guilty or
 34 is convicted of a violation of the following offenses shall be guilty of a
 35 felony:

36 1. Knowingly and intentionally selling or offering for sale or
 37 exchange, or purchasing or offering to purchase or exchange, any
 38 wildlife, or parts thereof, which has been unlawfully killed, taken or
 39 possessed.

40 2. Releasing into the wild, without a permit from the director, any of
 41 the following wildlife, whether native or exotic: ungulates, bears,
 42 wolves, large felines, swine, or peccaries.

43 3. Unlawfully killing, possessing or wasting of any combination of
 44 numbers or species of wildlife within a twelve (12) month period which
 45 has a single or combined reimbursable damage assessment of more than one
 46 thousand dollars (\$1,000), as provided in section 36-1404, Idaho Code.

47 4. Conviction within ten (10) years of three (3) or more violations of
 48 the provisions of this title, penalties for which include either or both
 49 a mandatory license revocation or a reimbursable damage assessment.

1 SECTION 2. That Section 36-1402, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 36-1402. PENALTY -- INFRACTION -- MISDEMEANOR -- FELONY -- REVOCATION
4 OF LICENSE -- DISPOSITION OF MONEYS. (a) Infraction Penalty. Except as pro-
5 vided for in subsection (b) of this section, aAny person who pleads guilty
6 to or is found guilty of an infraction of this code or rules or proclamations
7 promulgated pursuant thereto, shall be ~~punished in accordance with the pro-~~
8 ~~visions of the Idaho infractions rules~~ subject to a fine of seventy-two dol-
9 lars (\$72.00).

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

13 (c) Misdemeanor Penalty. Any person entering a plea of guilty for,
14 found guilty of or convicted of a misdemeanor under the provisions of this
15 title or rules or proclamations promulgated pursuant thereto shall, ex-
16 cept in cases where a higher penalty is prescribed, be fined in a sum of not
17 less than twenty-five dollars (\$25.00) nor more than one thousand dollars
18 (\$1,000) and/or by commitment to jail for not more than six (6) months. The
19 minimum fine, per animal, fish or bird, for the illegal taking, illegal pos-
20 session or the illegal waste of the following animals, fish or birds shall be
21 as indicated below:

22	Animal, Fish or Bird	Minimum Fine
23	Bighorn sheep, mountain goat and moose	\$500
24	Elk	\$300
25	Any other big game animal	\$200
26	Wild turkey, swan and sturgeon	\$200
27	Chinook salmon, wild steelhead and bull trout	\$100
28	Any other game bird, game fish or furbearer	\$ 25

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

36 (de) License Revocation. Any person entering a plea of guilty or be-
37 ing found guilty or convicted of violating any of the provisions of this ti-
38 tle, or who otherwise fails to comply with the requirements of a citation in
39 connection with any such offense, may, in addition to any other penalty as-
40 sessed by the court, have his hunting, fishing, or trapping privileges re-
41 voked for such period of time as may be determined by the court not to exceed
42 three (3) years, except that violations classified as felonies under section
43 36-1401, Idaho Code, or as flagrant violations as defined in subsection (ef)
44 of this section, shall authorize the court to impose license revocations for
45 periods of time up to and including life, with said period beginning on the
46 date of conviction, finding of guilt or the entry of the plea of guilty. Pro-
47 vided further, that the magistrate hearing the case shall forthwith revoke

1 the hunting, fishing, or trapping privileges for a period of not less than
2 one (1) year for any of the following offenses:

3 1. Taking or possessing upland game birds, migratory waterfowl,
4 salmon, steelhead, sturgeon, or any big game animal during closed sea-
5 son.

6 2. Exceeding the daily bag or possession limit of upland game birds, mi-
7 gratory waterfowl or big game animals.

8 3. Taking any fish by unlawful methods as set forth in section 36-902 (a)
9 or (c), Idaho Code.

10 4. Unlawfully purchasing, possessing or using any license, tag or per-
11 mit as set forth in section 36-405(c), Idaho Code.

12 5. Trespassing in violation of warning signs or failing to depart the
13 real property of another after notification as set forth in section
14 36-1603, Idaho Code.

15 6. The unlawful release of any species of live fish into any public body
16 of water in the state. For purposes of this paragraph, an "unlawful re-
17 lease of any species of live fish" shall mean a release of any species of
18 live fish, or live eggs thereof, in the state without the permission of
19 the director of the department of fish and game; provided, that no per-
20 mission is required when fish are being freed from a hook and released at
21 the same time and place where caught or when crayfish are being released
22 from a trap at the same time and place where caught.

23 Provided further, that the magistrate hearing the case of a ~~first-time~~
24 first-time hunting violation offender under the age of twenty-one (21) years
25 may require that the offender attend a remedial hunter education course at
26 the offender's expense. Upon successful completion of the course, the re-
27 mainder of the revocation period shall be subject to a withheld judgment so
28 long as the offender is not convicted of any additional hunting violations
29 during the period. The cost of the course shall be seventy-five dollars
30 (\$75.00) to be paid to the department. The commission shall establish by
31 rule the curriculum of the hunter education remedial course.

32 The revocation shall consist of cancellation of an existing license for
33 the required length of time and/or denial of the privilege of purchasing an
34 applicable license for the length of time required to meet the revocation
35 period decreed. In the case of persons pleading guilty, convicted or found
36 guilty of committing multiple offenses, the revocation periods may run
37 consecutively. In the case of pleas of guilty, convictions or findings of
38 guilt involving taking big game animals during closed season or exceeding
39 the daily bag or possession limit of big game, the magistrate hearing the
40 case shall revoke the hunting, fishing or trapping privileges of any person
41 convicted or found guilty of those offenses for a period of not less than one
42 (1) year for each big game animal illegally taken or possessed by the person
43 convicted or found guilty.

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

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

49 (ef) Flagrant Violations. In addition to any other penalties assessed
50 by the court, the magistrate hearing the case shall forthwith revoke the

1 hunting, fishing or trapping privileges, for a period of not less than one
 2 (1) year and may revoke the privileges for a period up to and including the
 3 person's lifetime, for any person who enters a plea of guilty, who is found
 4 guilty, or who is convicted of any of the following flagrant violations:

- 5 1. Taking a big game animal after sunset by spotlighting, with use of
 6 artificial light, or with a night vision enhancement device.
- 7 2. Unlawfully taking two (2) or more big game animals within a twelve
 8 (12) month period.
- 9 3. Taking a big game animal with a rimfire or centerfire cartridge
 10 firearm during an archery or muzzleloader only hunt.
- 11 4. Hunting, fishing, trapping or purchasing a license when license
 12 privileges have been revoked pursuant to this section or section
 13 36-1501, Idaho Code.
- 14 5. Taking any big game animal during a closed season.
- 15 6. Any felony violation provided in section 36-1401, Idaho Code.

16 (~~f~~g) For purposes of the wildlife violator compact, section 36-2301,
 17 Idaho Code, et seq., the department shall:

- 18 1. Suspend a violator's license for failure to comply with the terms of
 19 a citation from a party state. A copy of a report of failure to comply
 20 from the licensing authority of the issuing state shall be conclusive
 21 evidence.
- 22 2. Revoke a violator's license for a conviction in a party state. A
 23 report of conviction from the licensing authority of the issuing state
 24 shall be conclusive evidence.

25 (~~g~~h) Disposition of Fines and Forfeitures. Distribution of fines and
 26 forfeitures remitted shall be in accordance with section 19-4705, Idaho
 27 Code.

28 SECTION 3. That Section 36-1404, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 36-1404. UNLAWFUL KILLING, POSSESSION OR WASTE OF WILD ANIMALS, BIRDS
 31 AND FISH -- REIMBURSABLE DAMAGES -- SCHEDULE -- ASSESSMENT BY MAGISTRATES --
 32 INSTALLMENT PAYMENTS -- DEFAULT JUDGMENTS -- DISPOSITION OF MONEYS. (a) In
 33 addition to the penalties provided for violating any of the provisions of ti-
 34 tle 36, Idaho Code, any person who pleads guilty, is found guilty of or is
 35 convicted of the illegal killing or the illegal possession or illegal waste
 36 of game animals or birds or fish shall reimburse the state for each animal so
 37 killed or possessed or wasted as follows:

- 38 1. Elk, seven hundred fifty dollars (\$750) per animal killed, possessed
 39 or wasted.
- 40 2. Caribou, bighorn sheep, mountain goat and moose, one thousand five
 41 hundred dollars (\$1,500) per animal killed, possessed or wasted.
- 42 3. Any other species of big game, four hundred dollars (\$400) per animal
 43 killed, possessed or wasted.
- 44 4. Wild turkey and swan, two hundred fifty dollars (\$250) per bird
 45 killed, possessed or wasted.
- 46 5. Sturgeon, chinook salmon, and wild steelhead, two hundred fifty dol-
 47 lars (\$250) per fish killed, possessed or wasted.
- 48 6. Bull trout, one hundred fifty dollars (\$150) per fish killed, pos-
 49 sessed or wasted.

1 7. Any other game bird, game fish or furbearer, fifty dollars (\$50.00)
2 per animal killed, possessed or wasted.

3 Provided further, that any person who pleads guilty, is found guilty
4 of, or is convicted of a flagrant violation, in accordance with section
5 36-1402(ef), Idaho Code, involving the illegal killing, illegal possession
6 or illegal waste of a trophy big game animal as defined in section 36-202(h),
7 Idaho Code, shall reimburse the state for each animal so killed, possessed or
8 wasted, as follows:

9 1. Trophy mule deer: two thousand dollars (\$2,000) per animal killed,
10 possessed or wasted;

11 2. Trophy white-tailed deer: two thousand dollars (\$2,000) per animal
12 killed, possessed or wasted;

13 3. Trophy elk: five thousand dollars (\$5,000) per animal killed, pos-
14 sessed or wasted;

15 4. Trophy bighorn sheep: ten thousand dollars (\$10,000) per animal
16 killed, possessed or wasted;

17 5. Trophy moose: ten thousand dollars (\$10,000) per animal killed,
18 possessed or wasted;

19 6. Trophy mountain goat: ten thousand dollars (\$10,000) per animal
20 killed, possessed or wasted;

21 7. Trophy pronghorn antelope: two thousand dollars (\$2,000) per animal
22 killed, possessed or wasted;

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

25 For each additional animal of the same category killed, possessed or
26 wasted during any twelve (12) month period, the amount to be reimbursed shall
27 double from the amount for each animal previously illegally killed, pos-
28 sessed or wasted. For example, the reimbursable damages for three (3) elk
29 illegally killed during a twelve (12) month period would be five thousand
30 two hundred fifty dollars (\$5,250), calculated as follows: seven hundred
31 fifty dollars (\$750) for the first elk; one thousand five hundred dollars
32 (\$1,500) for the second elk; and three thousand dollars (\$3,000) for the
33 third elk. In the case of three (3) trophy elk illegally killed in a twelve
34 (12) month period, the reimbursable damages would be thirty-five thousand
35 dollars (\$35,000) calculated as follows: five thousand dollars (\$5,000)
36 for the first elk, ten thousand dollars (\$10,000) for the second elk, and
37 twenty thousand dollars (\$20,000) for the third elk. Provided however, that
38 wildlife possessing a fifty dollar (\$50.00) reimbursement value shall be
39 figured at the same rate per each animal in violation, without compounding.

40 (b) In every case of a plea of guilty, a finding of guilt or a convic-
41 tion of unlawfully releasing any fish species into any public body of water
42 in the state, the court before whom the plea of guilty, finding of guilt, or
43 conviction is obtained shall enter judgment ordering the defendant to reim-
44 burse the state for the cost of the expenses, not to exceed ten thousand dol-
45 lars (\$10,000), incurred by the state to correct the damage caused by the un-
46 lawful release. For purposes of this subsection, "unlawfully releasing any
47 fish species" shall mean a release of any species of live fish, or live eggs
48 thereof, in the state without the permission of the director of the depart-
49 ment of fish and game; provided, that no permission is required when fish are
50 being freed from a hook and released at the same time and place where caught

1 or when crayfish are being released from a trap at the same time and place
2 where caught.

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

10 (d) The judgment shall fix the manner and time of payment, and may per-
11 mit the defendant to pay the judgment in installments at such times and in
12 such amounts as, in the opinion of the court, the defendant is able to pay. In
13 no event shall any defendant be allowed more than two (2) years from the date
14 judgment is entered to pay the judgment.

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

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

22 (g) The court shall retain jurisdiction over the case. If at any time
23 the defendant is in arrears ninety (90) days or more, the court may revoke
24 the defendant's hunting, fishing or trapping privileges until the defendant
25 completes payment of the judgment.

26 SECTION 4. That Section 36-1101, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 36-1101. TAKING OF WILDLIFE UNLAWFUL EXCEPT BY STATUTE OR COMMISSION
29 RULE OR PROCLAMATION -- METHODS PROHIBITED -- EXCEPTIONS. (a) It is unlaw-
30 ful, except as may be otherwise provided by Idaho law, including this title
31 or commission rules or proclamations promulgated pursuant thereto, for any
32 person to take any of the game animals, birds or ~~fur-bearing~~ furbearing ani-
33 mals of this state.

34 (b) Except as may be otherwise provided under this title or commission
35 rules or proclamations promulgated pursuant thereto, it is unlawful for any
36 person to:

37 1. Hunt from Motorized Vehicles. Hunt any of the game animals or game
38 birds of this state from or by the use of any motorized vehicle except
39 as provided by commission rule; provided however, that the commission
40 shall promulgate rules which shall allow a physically disabled person
41 to apply for a special permit which would allow the person to hunt from a
42 motorized vehicle which is not in motion. A physically disabled person
43 means a person who has lost the use of one (1) or both lower extremities
44 or both hands, or is unable to walk two hundred (200) feet or more unas-
45 sisted by another person, or is unable to walk two hundred (200) feet or
46 more without the aid of a walker, cane, crutches, braces, prosthetic de-
47 vice or a wheelchair, or is unable to walk two hundred (200) feet or more
48 without great difficulty or discomfort due to one (1) or more of the fol-
49 lowing impairments: neurological, orthopedic, respiratory, cardiac,

1 arthritic disorder, blindness, or the loss of function or absence of a
2 limb.

3 The commission shall specify the form of application for and design of
4 the special permit which shall allow a physically disabled person to hunt
5 from a motorized vehicle which is not in motion. No fee shall be charged
6 for the issuance of the special permit and the issuance of a special permit
7 shall not exempt a person from otherwise properly purchasing or obtaining
8 other necessary licenses, permits and tags in accordance with this title and
9 rules promulgated pursuant thereto. The special permit shall not be trans-
10 ferable and may only be used by the person to whom it is issued. A person who
11 has been issued a special permit which allows a physically disabled person
12 to hunt from a motorized vehicle not in motion shall have that permit promi-
13 nently displayed on any vehicle the person is utilizing to hunt from and the
14 person shall produce, on demand, the permit and other identification when so
15 requested by a conservation officer of the department of fish and game. A
16 person possessing a special permit shall not discharge any firearm from or
17 across a public highway. In addition to other penalties, any unauthorized
18 use of the special permit shall be grounds for revocation of the permit.

19 2. Molest with Motorized Vehicles. Use any motorized vehicle to mo-
20 lest, stir up, rally or drive in any manner any of the game animals or
21 game birds of this state.

22 3. Communicate from Aircraft. Make use of aircraft in any manner to
23 spot or locate game animals, game birds or ~~fur-bearing~~ furbearing ani-
24 mals of this state from the air and communicate the location or approxi-
25 mate location thereof by any signals whatsoever, whether radio, visual
26 or otherwise, to any person then on the ground.

27 4. Hunt from Helicopter. Make use of any helicopter in any manner in
28 the taking of game or loading, transporting, or unloading hunters,
29 game or hunting gear in any manner except when such use is at recognized
30 airports or airplane landing fields, or at heliports which have been
31 previously established on private land or which have been established
32 by a department or agency of the federal, state or local government or
33 when said use is in the course of emergency or search and rescue oper-
34 ations. Provided however, that nothing in this chapter shall limit
35 or prohibit the lawful control of wolves or predatory or unprotected
36 animals through the use of helicopters when such measures are deemed
37 necessary by federal or state agencies in accordance with existing laws
38 or management plans.

39 5. Hunt with Aid of Aircraft. Make use of any aircraft to locate any
40 big game animal for the purpose of hunting those animals during the same
41 calendar day those animals were located from the air. Provided however,
42 that nothing in this chapter shall limit or prohibit the lawful control
43 of wolves or predatory or unprotected wildlife through the use of air-
44 craft when such measures are deemed necessary by federal or state agen-
45 cies in accordance with existing laws or management plans.

46 6. Artificial Light. Hunt any animal or bird except raccoon by the aid
47 of a spotlight, flashlight or artificial light of any kind. The act of
48 casting or throwing, after sunset, the beam or rays of any spotlight,
49 headlight or other artificial light capable of utilizing six (6) volts
50 or more of electrical power upon any field, forest or other place by any

1 person while having in his possession or under his control any uncased
2 firearm or contrivance capable of killing any animal or bird, shall
3 be prima facie evidence of hunting with an artificial light. Provided
4 nothing in this subsection shall apply where the headlights of a motor
5 vehicle, operated and proceeding in a normal manner on any highway or
6 roadway, cast a light upon animals or birds on or adjacent to such high-
7 way or roadway and there is no intent or attempt to locate such animals
8 or birds. Provided further, nothing in this subsection shall prevent
9 the hunting of unprotected or predatory wildlife with the aid of artifi-
10 cial light when such hunting is for the purpose of protecting property
11 or livestock, is done by landowners or persons authorized in writing by
12 them to do so and is done on property they own, lease or control; and pro-
13 vided further that the hunting and taking of unprotected or predatory
14 wildlife with the aid of artificial light on public lands is authorized
15 after obtaining a permit to do so from the director. The director may,
16 for good cause, refuse to issue such permit.

17 Other provisions of this subsection notwithstanding, the commission
18 may establish rules allowing the hunting of raccoon with the aid of an
19 artificial light.

20 7. Regulation of Dogs.

21 (A) No person shall make use of a dog for the purpose of pursuing,
22 taking or killing any of the big game animals of this state except
23 as otherwise provided by rules of the commission.

24 (B) Any person who is the owner of, or in possession of, or who har-
25 bors any dog found running at large and which is actively tracking,
26 pursuing, harassing or attacking, or which injures or kills deer
27 or any other big game animal within this state shall be guilty as
28 provided in section 36-1401(a)1.(F), Idaho Code. It shall be no
29 defense that such dog or dogs were pursuing said big game animals
30 without the aid or direction of the owner, possessor, or harborer.

31 (C) Any dog found running at large and which is actively tracking,
32 pursuing, harassing, attacking or killing deer or any other big
33 game animal may be destroyed without criminal or civil liability
34 by the director, or any peace officer, or other persons authorized
35 to enforce the Idaho fish and game laws.

36 8. Attempt to ~~Take~~ Simulated Wildlife.

37 (A) Attempt to take, by firearm or any other contrivance capable
38 of killing an animal or bird, simulated wildlife in violation of
39 any of the provisions of this title or commission rules applica-
40 ble to the taking of the wildlife being simulated, when the sim-
41 ulated wildlife is being used by a conservation officer or other
42 person authorized to enforce Idaho fish and game laws or rules pro-
43 mulgated pursuant thereto. No person shall be found guilty of vio-
44 lating either this subparagraph, or subparagraph (B) of this para-
45 graph, provided that no other law or rule has been violated.

46 (B) Any person pleading guilty to, convicted of or found guilty
47 for attempting to take simulated wildlife within this state shall
48 be guilty of a misdemeanor and shall be punished as provided in ei-
49 ther subsection (~~b~~c) or (~~d~~e) of section 36-1402, Idaho Code, and

1 shall pay restitution in an amount of no less than fifty dollars
2 (\$50.00) for the repair or replacement of the simulated wildlife.

3 9. Devices Accessed via Internet.

4 (A) No person shall shoot at or kill any bird or animal in Idaho,
5 wild or domestic, including domestic cervidae governed under the
6 provisions of chapter 37, title 25, Idaho Code, with any gun or
7 other device accessed and controlled via an internet connection.
8 Accessing, regulating access to, or regulating the control of a
9 device capable of being operated in violation of this paragraph
10 shall be prima facie evidence of an offense under this paragraph.

11 (B) Any person pleading guilty to, convicted of or found guilty of
12 a violation of this paragraph shall be guilty of a misdemeanor and
13 shall be punished as provided in section 36-1402, Idaho Code.