

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 462, As Amended

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO HUNTING AND TRAPPING; AMENDING SECTION 36-401, IDAHO CODE, TO  
2 PROVIDE A CERTAIN EXCEPTION FOR PERSONS ON PRIVATE PROPERTY, TO REMOVE  
3 OBSOLETE LANGUAGE, TO PROVIDE FOR PREDATORY AND UNPROTECTED BIRDS AND  
4 ANIMALS AND TO REMOVE AN AGE LIMITATION FOR A CERTAIN EXCEPTION.  
5

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

7 SECTION 1. That Section 36-401, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 36-401. HUNTING, TRAPPING, FISHING -- LICENSE REQUIREMENT -- EXCEP-  
10 TIONS. No person shall hunt, trap, or fish for or take any wild animal, bird  
11 or fish of this state, without first having procured a license as hereinafter  
12 provided. Provided that no license shall be required:

13 (a) 1. For children under the age of fourteen (14) years who are resi-  
14 dents of this state to fish during the open season therefor.

15 2. For nonresident children under the age of fourteen (14) years to fish  
16 during the open season therefor provided they are accompanied by the  
17 holder of a valid fishing license, and provided further that any fish  
18 caught by such nonresident children shall be included in the bag and  
19 possession limit of such license holder.

20 3. For ~~resident~~ any person on private property or children under the age  
21 of twelve (12) years to hunt, take or kill predatory, and unprotected  
22 birds and animals by means other than with firearms.

23 4. For ~~resident children under the age of fourteen (14) years~~ any person  
24 to trap muskrats from irrigation ditches or on private property ~~on which~~  
25 ~~they live~~ during the open season.

26 5. For children under the age of eighteen (18) years who are residents  
27 of a licensed foster home or a children's residential care facility to  
28 fish during the open season therefor, provided they are accompanied and  
29 supervised by the director, officer, or other employee of the facility  
30 where the child resides.

31 6. For children with life-threatening medical conditions participat-  
32 ing in a hunt in association with a qualified organization as provided  
33 in section 36-408 (6), Idaho Code.

34 7. For military veterans with disabilities participating in a hunt  
35 in association with a qualified organization as provided in section  
36 36-408 (7), Idaho Code.

37 8. For mentored hunters participating in a mentored hunting program as  
38 prescribed by the commission such that a person may apply to the depart-  
39 ment for a special authorization to take wildlife while accompanied by a  
40 mentor who possesses a valid Idaho hunting license and who is eighteen  
41 (18) years of age or older. At such time as a mentored hunter's special  
42 authorization is no longer valid, nothing in this paragraph shall be

1 construed as altering the requirements of section 36-411, Idaho Code,  
2 to obtain a valid hunting license.

3 (b) For any person to fish on a "free fishing day" as may be designated  
4 by the commission.

5 (c) State Long-term Care Facility Residents. For any resident of a  
6 state long-term care facility to fish during open seasons, provided said  
7 state long-term care facility has a permit therefor from the director. The  
8 director is authorized to issue such permits upon the request of the head  
9 of the respective state long-term care facility having custody of said res-  
10 ident upon a showing that the state long-term care facility recommends the  
11 issuance of such permit and will assume full responsibility for and control  
12 over any resident while using said permit. For purposes of this subsection  
13 only, "state long-term care facility" shall mean the state hospital north,  
14 state hospital south, southwest Idaho treatment center, and state veter-  
15 ans homes, and "resident" shall mean any individual residing and receiving  
16 treatment services at a state long-term care facility.

17 (d) State Juvenile Corrections Center Students. For students of the  
18 state juvenile corrections center, under the supervision of an officer of  
19 the center, to fish during the open season.

20 (e) Boy Scouts. For boy scouts who are official participants in at-  
21 tendance at national or international encampments at Farragut State Park to  
22 take fish during the encampment period from Lake Pend Oreille in such areas  
23 and such numbers as may be designated by the commission.

24 (f) Participants in Fish and Game Sponsored Functions. For persons who  
25 are official participants in attendance at official department sponsored  
26 functions including clinics, courses or other educational events, while  
27 under the supervision of a department approved instructor for the function,  
28 to fish during any open season, provided that the instructor has been issued  
29 an educational fishing permit by the director.

30 (g) Nothing contained herein shall be construed to prohibit citizens of  
31 the United States who are residents of the state of Idaho from carrying arms  
32 for the protection of life and property.