

IN THE SENATE

SENATE BILL NO. 1213

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-1101, IDAHO CODE, TO PROHIBIT
2 THE USE OF UNMANNED AIRCRAFT SYSTEMS FOR HUNTING, MOLESTING OR LOCATING
3 GAME ANIMALS, GAME BIRDS AND FURBEARING ANIMALS.
4

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

6 SECTION 1. That Section 36-1101, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 36-1101. TAKING OF WILDLIFE UNLAWFUL EXCEPT BY STATUTE OR COMMISSION
9 RULE OR PROCLAMATION -- METHODS PROHIBITED -- EXCEPTIONS. (a) It is unlaw-
10 ful, except as may be otherwise provided by Idaho law, including this title
11 or commission rules or proclamations promulgated pursuant thereto, for any
12 person to take any of the game animals, birds or furbearing animals of this
13 state.

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

17 1. Hunt from Motorized Vehicles. Hunt any of the game animals or game
18 birds of this state from or by the use of any motorized vehicle, in-
19 cluding any unmanned aircraft system, except as provided by commission
20 rule; provided however, that the commission shall promulgate rules
21 which shall allow a physically disabled person to apply for a special
22 permit which would allow the person to hunt from a motorized vehicle
23 which is not in motion. A physically disabled person means a person who
24 has lost the use of one (1) or both lower extremities or both hands, or is
25 unable to walk two hundred (200) feet or more unassisted by another per-
26 son, or is unable to walk two hundred (200) feet or more without the aid
27 of a walker, cane, crutches, braces, prosthetic device or a wheelchair,
28 or is unable to walk two hundred (200) feet or more without great diffi-
29 culty or discomfort due to one (1) or more of the following impairments:
30 neurological, orthopedic, respiratory, cardiac, arthritic disorder,
31 blindness, or the loss of function or absence of a limb.

32 The commission shall specify the form of application for and design of
33 the special permit which shall allow a physically disabled person to hunt
34 from a motorized vehicle which is not in motion. No fee shall be charged
35 for the issuance of the special permit and the issuance of a special permit
36 shall not exempt a person from otherwise properly purchasing or obtaining
37 other necessary licenses, permits and tags in accordance with this title and
38 rules promulgated pursuant thereto. The special permit shall not be trans-
39 ferable and may only be used by the person to whom it is issued. A person who
40 has been issued a special permit which allows a physically disabled person
41 to hunt from a motorized vehicle not in motion shall have that permit promi-
42 nently displayed on any vehicle the person is utilizing to hunt from and the

1 person shall produce, on demand, the permit and other identification when so
2 requested by a conservation officer of the department of fish and game. A
3 person possessing a special permit shall not discharge any firearm from or
4 across a public highway. In addition to other penalties, any unauthorized
5 use of the special permit shall be grounds for revocation of the permit.

6 2. Molest with Motorized Vehicles. Use any motorized vehicle, includ-
7 ing any unmanned aircraft system, to molest, stir up, rally or drive in
8 any manner any of the game animals or game birds of this state.

9 3. Communicate from Aircraft. Make use of aircraft, including any un-
10 manned aircraft system, in any manner to spot or locate game animals,
11 game birds or furbearing animals of this state from the air and communi-
12 cate the location or approximate location thereof by any signals what-
13 soever, whether radio, visual or otherwise, to any person then on the
14 ground.

15 4. Hunt from Helicopter. Make use of any helicopter in any manner in
16 the taking of game or loading, transporting, or unloading hunters,
17 game or hunting gear in any manner except when such use is at recognized
18 airports or airplane landing fields, or at heliports which have been
19 previously established on private land or which have been established
20 by a department or agency of the federal, state or local government or
21 when said use is in the course of emergency or search and rescue oper-
22 ations. Provided however, that nothing in this chapter shall limit
23 or prohibit the lawful control of wolves or predatory or unprotected
24 animals through the use of helicopters when such measures are deemed
25 necessary by federal or state agencies in accordance with existing laws
26 or management plans.

27 5. Hunt with Aid of Aircraft. Make use of any aircraft, including any
28 unmanned aircraft system, to locate any big game animal for the purpose
29 of hunting those animals during the same calendar day those animals were
30 located from the air. Provided however, that nothing in this chapter
31 shall limit or prohibit the lawful control of wolves or predatory or un-
32 protected wildlife through the use of aircraft when such measures are
33 deemed necessary by federal or state agencies in accordance with exist-
34 ing laws or management plans.

35 6. Artificial Light. Hunt any animal or bird except raccoon by the aid
36 of a spotlight, flashlight or artificial light of any kind. The act of
37 casting or throwing, after sunset, the beam or rays of any spotlight,
38 headlight or other artificial light capable of utilizing six (6) volts
39 or more of electrical power upon any field, forest or other place by any
40 person while having in his possession or under his control any uncased
41 firearm or contrivance capable of killing any animal or bird, shall
42 be prima facie evidence of hunting with an artificial light. Provided
43 nothing in this subsection shall apply where the headlights of a motor
44 vehicle, operated and proceeding in a normal manner on any highway or
45 roadway, cast a light upon animals or birds on or adjacent to such high-
46 way or roadway and there is no intent or attempt to locate such animals
47 or birds. Provided further, nothing in this subsection shall prevent
48 the hunting of unprotected or predatory wildlife with the aid of artifi-
49 cial light when such hunting is for the purpose of protecting property
50 or livestock, is done by landowners or persons authorized in writing by

1 them to do so and is done on property they own, lease or control; and pro-
2 vided further that the hunting and taking of unprotected or predatory
3 wildlife with the aid of artificial light on public lands is authorized
4 after obtaining a permit to do so from the director. The director may,
5 for good cause, refuse to issue such permit.

6 Other provisions of this subsection notwithstanding, the commission
7 may establish rules allowing the hunting of raccoon with the aid of an
8 artificial light.

9 7. Regulation of Dogs.

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

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

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

25 8. Attempt to Take Simulated Wildlife.

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

35 (B) Any person pleading guilty to, convicted of or found guilty
36 for attempting to take simulated wildlife within this state shall
37 be guilty of a misdemeanor and shall be punished as provided in
38 either subsection (c) or (e) of section 36-1402, Idaho Code, and
39 shall pay restitution in an amount of no less than fifty dollars
40 (\$50.00) for the repair or replacement of the simulated wildlife.

41 9. Devices Accessed via Internet.

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

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