LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature Second Regular Session - 2016

IN THE SENATE

SENATE BILL NO. 1213

BY RESOURCES AND ENVIRONMENT COMMITTEE

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

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

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

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

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

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

The commission shall specify the form of application for and design of
the special permit which shall allow a physically disabled person to hunt
from a motorized vehicle which is not in motion. No fee shall be charged
for the issuance of the special permit and the issuance of a special permit
shall not exempt a person from otherwise properly purchasing or obtaining
other necessary licenses, permits and tags in accordance with this title and
rules promulgated pursuant thereto. The special permit shall not be trans-
ferable and may only be used by the person to whom it is issued. A person who
has been issued a special permit which allows a physically disabled person
to hunt from a motorized vehicle not in motion shall have that permit promi-
nently displayed on any vehicle the person is utilizing to hunt from and the
person shall produce, on demand, the permit and other identification when so
requested by a conservation officer of the department of fish and game. A
person possessing a special permit shall not discharge any firearm from or
across a public highway. In addition to other penalties, any unauthorized
use of the special permit shall be grounds for revocation of the permit.
2. Molest with Motorized Vehicles. Use any motorized vehicle, includ-
ing any unmanned aircraft system, to molest, stir up, rally or drive in
any manner any of the game animals or game birds of this state.
3. Communicate from Aircraft. Make use of aircraft, including any un-
manned aircraft system, in any manner to spot or locate game animals,
game birds or furbearing animals of this state from the air and commu-
icate the location or approximate location thereof by any signals what-
soever, whether radio, visual or otherwise, to any person then on the
ground.
4. Hunt from Helicopter. Make use of any helicopter in any manner in
the taking of game or loading, transporting, or unloading hunters,
game or hunting gear in any manner except when such use is at recognized
airports or airplane landing fields, or at heliports which have been
previously established on private land or which have been established
by a department or agency of the federal, state or local government or
when said use is in the course of emergency or search and rescue oper-
atations. Provided however, that nothing in this chapter shall limit
or prohibit the lawful control of wolves or predatory or unprotected
animals through the use of helicopters when such measures are deemed
necessary by federal or state agencies in accordance with existing laws
or management plans.
5. Hunt with Aid of Aircraft. Make use of any aircraft, including any
unmanned aircraft system, to locate any big game animal for the purpose
of hunting those animals during the same calendar day those animals were
located from the air. Provided however, that nothing in this chapter
shall limit or prohibit the lawful control of wolves or predatory or un-
protected wildlife through the use of aircraft when such measures are
deemed necessary by federal or state agencies in accordance with exist-
ing laws or management plans.
6. Artificial Light. Hunt any animal or bird except raccoon by the aid
of a spotlight, flashlight or artificial light of any kind. The act of
casting or throwing, after sunset, the beam or rays of any spotlight,
headlight or other artificial light capable of utilizing six (6) volts
or more of electrical power upon any field, forest or other place by any
person while having in his possession or under his control any uncased
firearm or contrivance capable of killing any animal or bird, shall
be prima facie evidence of hunting with an artificial light. Provided
nothing in this subsection shall apply where the headlights of a motor
vehicle, operated and proceeding in a normal manner on any highway or
roadway, cast a light upon animals or birds on or adjacent to such high-
way or roadway and there is no intent or attempt to locate such animals
or birds. Provided further, nothing in this subsection shall prevent
the hunting of unprotected or predatory wildlife with the aid of artifi-
cial light when such hunting is for the purpose of protecting property
or livestock, is done by landowners or persons authorized in writing by
them to do so and is done on property they own, lease or control; and pro-
vided further that the hunting and taking of unprotected or predatory
wildlife with the aid of artificial light on public lands is authorized
after obtaining a permit to do so from the director. The director may,
for good cause, refuse to issue such permit.
Other provisions of this subsection notwithstanding, the commission
may establish rules allowing the hunting of raccoon with the aid of an
artificial light.
7. Regulation of Dogs.
(A) No person shall make use of a dog for the purpose of pursuing,
taking or killing any of the big game animals of this state except
as otherwise provided by rules of the commission.
(B) Any person who is the owner of, or in possession of, or who har-
bors any dog found running at large and which is actively tracking,
pursuing, harassing or attacking, or which injures or kills deer
or any other big game animal within this state shall be guilty as
provided in section 36-1401(a). (F), Idaho Code. It shall be no
defense that such dog or dogs were pursuing said big game animals
without the aid or direction of the owner, possessor, or harborer.
(C) Any dog found running at large and which is actively tracking,
pursuing, harassing, attacking or killing deer or any other big
game animal may be destroyed without criminal or civil liability
by the director, or any peace officer, or other persons authorized
to enforce the Idaho fish and game laws.
8. Attempt to Take Simulated Wildlife.
(A) Attempt to take, by firearm or any other contrivance capable
of killing an animal or bird, simulated wildlife in violation of
any of the provisions of this title or commission rules applica-
table to the taking of the wildlife being simulated, when the sim-
mulated wildlife is being used by a conservation officer or other
person authorized to enforce Idaho fish and game laws or rules pro-
mulgated pursuant thereto. No person shall be found guilty of vi-o-
lating either this subparagraph, or subparagraph (B) of this para-
graph, provided that no other law or rule has been violated.
(B) Any person pleading guilty to, convicted of or found guilty
for attempting to take simulated wildlife within this state shall
be guilty of a misdemeanor and shall be punished as provided in
either subsection (c) or (e) of section 36-1402, Idaho Code, and
shall pay restitution in an amount of no less than fifty dollars
($50.00) for the repair or replacement of the simulated wildlife.
(A) No person shall shoot at or kill any bird or animal in Idaho,
wild or domestic, including domestic cervidae governed under the
provisions of chapter 37, title 25, Idaho Code, with any gun or
other device accessed and controlled via an internet connection.
Accessing, regulating access to, or regulating the control of a
device capable of being operated in violation of this paragraph
shall be prima facie evidence of an offense under this paragraph.
(B) Any person pleading guilty to, convicted of or found guilty of a violation of this paragraph shall be guilty of a misdemeanor and shall be punished as provided in section 36-1402, Idaho Code.